



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Amendment 1101

PAG LIN

1 1 Amend House File 328 as follows:
1 2 #1. Page 5, line 19, after <524.904> by inserting <,
1 3 subsection 7,>

J. SMITH of Dickinson
HF328.793 (1) 84
rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Amendment 1102

PAG LIN

1 1 Amend House File 328 as follows:

1 2 #1. Page 4, after line 12 by inserting:

1 3 <Sec. _____. Section 533D.9, subsection 2, paragraph
1 4 b, Code 2011, is amended to read as follows:

1 5 b. The annual percentage rate as computed pursuant
1 6 to the federal Truth in Lending Act. The annual

1 7 percentage rate shall not exceed thirty=six percent,

1 8 as computed pursuant to the federal Truth in Lending

1 9 Act, unless a licensee makes an election and submits to

1 10 the indebtedness limitations and electronic database

1 11 reporting requirements specified in section 533D.10A.

1 12 Sec. _____. Section 533D.9, subsection 2, Code 2011,
1 13 is amended by adding the following new paragraph:

1 14 NEW PARAGRAPH. e. That the licensee cannot
1 15 initiate debt collection procedures, civil court
1 16 proceedings, or arbitration to collect an unpaid check
1 17 unless the licensee has provided the maker of the check
1 18 the opportunity to repay the obligation without any
1 19 additional charges, other than the penalty provided in
1 20 paragraph "d" of this subsection, in biweekly payments
1 21 of not more than ten percent of the face of the check
1 22 until the debt is paid in full. Additionally, that
1 23 during this repayment period the licensee may not
1 24 transfer or sell the debt owing on the unpaid check,
1 25 and the loan shall not be considered to be in default.
1 26 Further, that the maker of the check's failure to make
1 27 a biweekly payment under this paragraph shall place
1 28 the loan in default and the licensee may, after proper
1 29 notice, exercise rights against the maker under the
1 30 law.

1 31 Sec. _____. Section 533D.10, subsection 1, Code 2011,
1 32 is amended to read as follows:

1 33 1. A licensee shall not do any of the following:

1 34 a. Hold from any one maker more than two checks at
1 35 any one time.

1 36 b. Hold from any one maker a check or checks in an
1 37 aggregate face amount of more than five hundred dollars
1 38 at any one time.

1 39 c. Hold or agree to hold a check for ~~more~~ less than
1 40 thirty-one fourteen days.

1 41 d. Require the maker to receive payment by a method
1 42 which causes the maker to pay additional or further
1 43 fees and charges to the licensee or another person.

1 44 e. Repay, refinance, or otherwise consolidate
1 45 a postdated check transaction with the proceeds of
1 46 another postdated check transaction made by the same
1 47 licensee. A licensee may not enter into another
1 48 delayed deposit services transaction with the maker of
1 49 a check if the licensee presently has a transaction
1 50 outstanding with the maker or if the maker had a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Amendment 1102 continued

2 1 previous transaction with the licensee within two
2 2 days of the new transaction, unless the licensee has
2 3 provided the following notice both verbally and in
2 4 writing, and the maker has acknowledged receipt of the
2 5 notice with a signature and date:

2 6 Notice to Borrower

2 7 (1) The licensee may not repay, refinance, or
2 8 otherwise consolidate a postdated check transaction
2 9 with the proceeds of another postdated check
2 10 transaction made by the same licensee.

2 11 (2) While a licensee may charge a penalty if a
2 12 check is not negotiable on the date agreed upon, the
2 13 penalty shall not exceed fifteen dollars. This penalty
2 14 shall only be collected by the licensee once on a
2 15 check no matter how long that check remains unpaid.
2 16 This penalty is the only additional charge a lender
2 17 may charge you (the borrower) when a check is not
2 18 negotiable on the date agreed upon.

2 19 (3) If your check is not negotiable on the date
2 20 agreed upon, the licensee must provide you (the
2 21 borrower) the opportunity to repay the obligation
2 22 without any additional charges, other than the penalty
2 23 described above, in biweekly payments of not more than
2 24 ten percent of the face of the check until the debt is
2 25 paid in full.

2 26 By signing and dating this notice, you acknowledge
2 27 the statements above, but yet still desire to obtain
2 28 another loan with the licensee.

2 29 Borrower(s) signature:Date:

2 30 Borrower(s) signature:Date:

2 31 f. Receive any other charges or fees in addition to
2 32 the fees listed in section 533D.9, subsections 1 and 2.

2 33 g. Initiate debt collection procedures, civil
2 34 court proceedings, or civil or private arbitration
2 35 proceedings to collect an unpaid check unless the
2 36 licensee has provided the maker the opportunity to
2 37 repay the obligation without any additional charges,
2 38 other than the penalty provided in section 533D.9,
2 39 subsection 2, paragraph "d", in biweekly payments of
2 40 not more than ten percent of the face of the check
2 41 until the debt is paid in full. During this repayment
2 42 period the licensee may not transfer or sell the debt
2 43 owing on the unpaid check, and the loan shall not be
2 44 considered to be in default. The failure of the maker
2 45 of the check to make a biweekly payment as required
2 46 shall place the loan in default and the licensee may,
2 47 after proper notice, exercise rights against the maker
2 48 under the law.

2 49 Sec. ____ . NEW SECTION. 533D.10A Alternative annual
2 50 percentage rate ==== indebtedness limitation ==== electronic



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Amendment 1102 continued

3 1 database.
3 2 1. A licensee may elect to impose an annual
3 3 percentage rate, as computed pursuant to the federal
3 4 Truth in Lending Act, which exceeds thirty=six percent
3 5 by filing with the superintendent a written notice of
3 6 intent. An election pursuant to this section shall
3 7 apply to all delayed deposit services transactions
3 8 entered into by the licensee. A licensee having made
3 9 an election pursuant to this section who desires to
3 10 discontinue imposition of an alternative interest rate
3 11 and consents to imposition of the thirty=six percent
3 12 annual percentage rate otherwise applicable under
3 13 this chapter, or a licensee previously imposing an
3 14 annual percentage rate not exceeding thirty=six percent
3 15 who desires to make an election pursuant to this
3 16 subsection, may submit a request to the superintendent,
3 17 not more than once a year.
3 18 2. A licensee electing to impose an alternative
3 19 annual percentage rate pursuant to this section
3 20 shall be prohibited from entering into a delayed
3 21 deposit services transaction which will cause the
3 22 maker of the check, when all other delayed deposit
3 23 services transactions entered into with any licensee
3 24 involving the maker of the check are accounted for,
3 25 and when the term of the transaction is aggregated
3 26 with the other transactions, to be indebted for a
3 27 period exceeding ninety days during the preceding
3 28 twelve=month period. For purposes of this paragraph,
3 29 if the maker of the check has entered into more than
3 30 one delayed deposit services transaction with the
3 31 same or another licensee, and the periods during which
3 32 the transactions are outstanding overlap, each day
3 33 of each respective transaction shall be counted in
3 34 satisfying the ninety=day restriction. For purposes
3 35 of this subsection, if a maker of a check is making
3 36 biweekly payments during a repayment period as provided
3 37 in section 533D.9, subsection 2, paragraph "e", the
3 38 repayment period shall not be counted in satisfying the
3 39 ninety=day restriction.
3 40 3. a. Each licensee making an election pursuant to
3 41 this section shall, by October 1, 2011, subscribe to,
3 42 report to, and utilize an electronic database tracking
3 43 service to be developed or selected pursuant to rules
3 44 adopted by the banking division of the department
3 45 of commerce, that permits the licensee to determine
3 46 whether a maker of a check has an outstanding unpaid
3 47 check or debit authorization that is, or reasonably
3 48 appears to be, connected to a delayed deposit services
3 49 transaction. Each licensee shall require a maker
3 50 of a check to sign a written declaration confirming



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Amendment 1102 continued

4 1 that, pursuant to section 533D.10A, subsection 2, the
4 2 maker of the check is eligible to enter into a delayed
4 3 deposit services transaction.
4 4 b. Records of a licensee and the electronic
4 5 database tracking service shall be subject to review
4 6 and examination by the division to determine whether
4 7 the licensee is in compliance with this section and
4 8 other applicable provisions of this chapter.
4 9 c. Information, records, and documents obtained
4 10 in the performance of the review and examination,
4 11 including the amount of any outstanding unpaid check or
4 12 debit authorization and the identity of the maker of
4 13 the check, are confidential and shall not be disclosed
4 14 by the division and are not subject to subpoena. Such
4 15 information, records, and documents do not constitute
4 16 a public record under chapter 22. The superintendent
4 17 may disclose such information to representatives of
4 18 other state or federal regulatory authorities and
4 19 may release summary complaint information so long as
4 20 the information does not specifically identify the
4 21 complainant. The superintendent may also provide this
4 22 information to the attorney general for purposes of
4 23 enforcing this chapter.>
4 24 #2. Page 5, by striking lines 18 and 19 and
4 25 inserting:
4 26 <Sec. _____. EFFECTIVE DATE.
4 27 1. The section of this Act amending section 524.904
4 28 takes effect upon enactment.
4 29 2. Section 533D.10A, subsection 2, as enacted in
4 30 this Act, takes effect October 1, 2011.>

PETERSEN of Polk
HF328.583 (2) 84
rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Amendment 1103

PAG LIN

1 1 Amend the amendment, H=1093, to Senate File 209,
1 2 as amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, before line 16 by inserting:
1 5 <____. Title page, by striking lines 2 through 4
1 6 and inserting <making appropriations and providing for
1 7 updated Code references to the Internal Revenue Code
1 8 and including effective date and>>

SANDS of Louisa
H1093.829 (3) 84
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 421 - Introduced

HOUSE FILE
BY KAUFMANN

A BILL FOR

1 An Act relating to the performance of radon testing, and
2 providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2275YH (2) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 421 - Introduced continued

PAG LIN

1 1 Section 1. Section 136B.5, Code 2011, is amended to read as
1 2 follows:

1 3 136B.5 ~~Penalty~~ Penalties for violation.

1 4 a. A person who violates a provision of this chapter is
1 5 guilty of a serious misdemeanor.

1 6 b. A person who intentionally or negligently misrepresents
1 7 the capabilities of a device for detecting and measuring radon
1 8 gas or radon progeny, or the results of a test for the presence
1 9 of radon gas or radon progeny, or who for compensation performs
1 10 a test for the presence of radon gas or radon progeny without
1 11 an objective basis for believing the test will reduce the
1 12 presence of radon gas or radon progeny, commits a consumer
1 13 fraud under section 714.16.

1 14 EXPLANATION

1 15 This bill relates to the performance of radon testing. The
1 16 bill provides that a person who intentionally or negligently
1 17 misrepresents the capabilities of a device for detecting and
1 18 measuring radon gas or radon progeny, or the results of a test
1 19 for the presence of radon gas or radon progeny, or who for
1 20 compensation performs a test without an objective basis for
1 21 believing the test will reduce the presence of radon gas or
1 22 radon progeny, commits a consumer fraud under section 714.16.
1 23 A violation of Code section 714.16 is punishable by imposition
1 24 of a civil penalty in an amount not to exceed \$40,000 per
1 25 violation, and in addition a civil penalty of not more than
1 26 \$5,000 for each day of intentional violation of a temporary
1 27 restraining order, preliminary injunction, or permanent
1 28 injunction.

LSB 2275YH (2) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 422 - Introduced

HOUSE FILE
BY HEDDENS

A BILL FOR

1 An Act establishing a long-term care system task force.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2358HH (4) 84
jp/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House File 422 - Introduced continued

PAG LIN

1 1 Section 1. LONG=TERM CARE SYSTEM TASK FORCE.

1 2 1. A long=term care system task force is established in
1 3 the department on aging. The membership of the task force
1 4 shall include but is not limited to representatives of the
1 5 departments of aging, human services, and inspections and
1 6 appeals, the state long=term care resident's advocate, service
1 7 consumers and advocates, residential care facility providers,
1 8 nursing facility providers, and home care providers. The
1 9 task force shall also include four legislators to serve as ex
1 10 officio, nonvoting members, with one each appointed by the
1 11 majority leader and minority leader of the senate, and the
1 12 speaker and minority leader of the house of representatives.

1 13 2. The task force review of the state's long=term care
1 14 system shall include but is not limited to all of the
1 15 following:

1 16 a. Staffing practices, including the need for nurses,
1 17 certified nurse aides, and certified medication aides.

1 18 b. Options for licensing facilities to provide specialized
1 19 care for individuals with behavioral challenges, dual
1 20 diagnoses, and other special needs.

1 21 c. The adequacy of the funding resources available for
1 22 providing long=term care services and other support and options
1 23 for prioritizing investments in infrastructure to ensure
1 24 individuals in this state with need for such services and other
1 25 support are able to receive the needed amount in the setting of
1 26 their choice.

1 27 d. The adequacy of current cost=reporting requirements and
1 28 options for establishing a standard reporting system that spans
1 29 regulatory agencies and funding streams.

1 30 3. The task force shall report to the governor and general
1 31 assembly with findings and recommendations on or before
1 32 December 15, 2011.

1 33 EXPLANATION

1 34 This bill establishes a long=term care system task force in
1 35 the department on aging. The task force membership is required



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House File 422 - Introduced continued

2 1 to include representatives of various state agencies, service
2 2 consumers and advocates, service providers, and legislators.
2 3 The task force is required to review various specific
2 4 aspects of the long-term care system and to report to the
2 5 governor and general assembly on or before December 15, 2011.
LSB 2358HH (4) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 423 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act relating to quality standards for children in a foster
2 care, preadoption or adoption, or subsidized guardianship
3 placement.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1977YH (3) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 423 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 234.5 Quality standards for
1 2 children in placement ==== legislative intent.
1 3 1. For the purposes of this section, "child in placement"
1 4 means a child in a foster care, preadoption or adoption, or
1 5 subsidized guardianship placement in accordance with a court
1 6 order or agreement with the department of human services.
1 7 2. It is the intent of the general assembly that the
1 8 department of human services and others providing care or
1 9 other support for a child in placement will strive to attain
1 10 the quality standards enumerated in this subsection. The
1 11 quality standards for each child in placement include all of
1 12 the following:
1 13 a. Being treated with respect.
1 14 b. Being safe and well cared for.
1 15 c. Being accepted for who they are.
1 16 d. Maintaining and developing lifelong family connections.
1 17 e. Being fully informed about changes that affect them and
1 18 why the changes are being made.
1 19 f. Having an opportunity to attend hearings regarding their
1 20 care.
1 21 g. Receiving adequate health and mental health care.
1 22 h. Having access to a good, stable education.
1 23 i. Attaining the skills, knowledge, and resources needed to
1 24 become an independent adult.
1 25 j. Achieving permanency.
1 26 k. Receiving assistance if these quality standards are not
1 27 being attained.
1 28 3. The department of human services shall work with
1 29 those persons providing care and other support to children
1 30 in placement to develop written materials and other forms of
1 31 communication to build awareness among providers and children
1 32 in placement concerning the quality standards enumerated in
1 33 this section.

1 34 EXPLANATION

1 35 This bill relates to quality standards for a "child in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House File 423 - Introduced continued

2 1 placement", which is defined by the bill in new Code section
2 2 234.5 to mean a child in a foster care, preadoption or
2 3 adoption, or subsidized guardianship placement in accordance
2 4 with a court order or agreement with the department of human
2 5 services.
2 6 The bill states legislative intent that the department
2 7 of human services and others providing care or other support
2 8 for a child in placement will strive to attain a list of
2 9 quality standards for each child during placement. The list
2 10 includes being treated with respect, receiving adequate health
2 11 and mental health care, achieving permanency, and receiving
2 12 assistance if the quality standards are not being attained.
2 13 The department is required to work with other persons to
2 14 develop written materials and other forms of communication
2 15 to build awareness among providers and children in placement
2 16 concerning the quality standards.

LSB 1977YH (3) 84

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 424 - Introduced

HOUSE FILE
BY LUKAN

A BILL FOR

1 An Act providing a sales tax exemption for certain equipment
2 used in making and grooming snow.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1960HH (2) 84
tw/sc



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House File 424 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price of tangible personal
1 4 property used or consumed primarily and directly in snow=making
1 5 and snow=grooming operations at ski hills, ski slopes, or ski
1 6 trails.

1 7 EXPLANATION

1 8 This bill provides a sales tax exemption for the sales price
1 9 of tangible personal property used or consumed primarily and
1 10 directly in snow=making and snow=grooming operations at ski
1 11 hills, ski slopes, or ski trails.

1 12 By operation of Code section 423.6, an item exempt from the
1 13 imposition of the sales tax is also exempt from the use tax
1 14 imposed in Code section 423.5.

LSB 1960HH (2) 84

tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 425 - Introduced

HOUSE FILE
BY RUNNING=MARQUARDT

A BILL FOR

1 An Act relating to certain law enforcement officer uniforms and
2 accessories.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2355YH (2) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 425 - Introduced continued

PAG LIN

1 1 Section 1. Section 80.18, Code 2011, is amended to read as
1 2 follows:

1 3 80.18 Expenses and supplies ==== reimbursement.

1 4 1. The commissioner shall provide peace officers of the
1 5 department when on duty, with suitable uniforms, subsistence,
1 6 arms, equipment, quarters, and other necessary supplies, and
1 7 also the expense and means of travel and boarding, according
1 8 to rules adopted by the commissioner, and as may be provided
1 9 by appropriation.

1 10 2. The department may expend moneys from the support
1 11 allocation of the department as reimbursement for replacement
1 12 or repair of personal items of the department's peace officers
1 13 or employees damaged or destroyed during a peace officer's or
1 14 employee's course of employment. However, the reimbursement
1 15 shall not exceed the greater of one hundred fifty dollars or
1 16 the amount agreed to under the collective bargaining agreement
1 17 for each item. The department shall adopt rules in accordance
1 18 with chapter 17A to administer this ~~paragraph~~ subsection.

1 19 3. The department may adopt rules in accordance with chapter
1 20 17A to permit the retention of uniforms or accessories, or
1 21 both, by a peace officer of the Iowa state patrol upon the
1 22 peace officer's retirement or service-related disability.

1 23 Sec. 2. Section 331.657, subsection 2, Code 2011, is amended
1 24 to read as follows:

1 25 2. The standard uniforms and accessories required by
1 26 the sheriff for the proper outfitting of the sheriff and the
1 27 sheriff's full-time deputies under this section shall be
1 28 provided by the county. The uniforms and accessories issued
1 29 to the sheriff and the sheriff's deputies remain the property
1 30 of the county. The board may, however, by ordinance permit
1 31 the retention of such uniforms or accessories, or both, by the
1 32 sheriff and sheriff's deputies upon the sheriff's or deputy's
1 33 retirement or service-related disability.

1 34 Sec. 3. Section 362.10, Code 2011, is amended to read as
1 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 425 - Introduced continued

2 1 362.10 Police officers and fire fighters.
2 2 1. The maximum age for a police officer, marshal, or fire
2 3 fighter employed for police duty or the duty of fighting fires
2 4 is sixty=five years of age. This section shall not apply to
2 5 volunteer fire fighters.
2 6 2. The city council may by ordinance permit chiefs of
2 7 police and police officers employed by the city to retain
2 8 their uniforms or accessories, or both, upon retirement or
2 9 service=related disability.

2 10 EXPLANATION
2 11 This bill expressly permits certain government agencies and
2 12 political subdivisions of the state to allow law enforcement
2 13 officers of that agency or subdivision to retain their
2 14 uniforms and service accessories upon their retirement or
2 15 service=related disability.
2 16 The bill allows for the department of public safety to
2 17 adopt rules permitting certain peace officers to retain their
2 18 uniforms and service accessories upon their retirement or
2 19 service=related disability. Only a peace officer within the
2 20 department who is a member of the division of state patrol may
2 21 be permitted to retain such items.
2 22 The bill allows a county board of supervisors to adopt an
2 23 ordinance permitting sheriffs and deputy sheriffs to retain
2 24 their uniforms and service accessories upon their retirement
2 25 or service=related disability.
2 26 The bill allows a city council to adopt an ordinance
2 27 permitting police officers to retain their uniforms and
2 28 service accessories upon their retirement or service=related
2 29 disability.

LSB 2355YH (2) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 426 - Introduced

HOUSE FILE
BY RUNNING=MARQUARDT

A BILL FOR

1 An Act requiring community colleges and state board of regents
2 universities to waive tuition and mandatory fee charges for
3 the children of peace officers, police officers, and fire
4 fighters killed or totally and permanently incapacitated in
5 the line of duty.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2621YH (2) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House File 426 - Introduced continued

PAG LIN

1 1 Section 1. Section 260C.14, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 23. Adopt rules to waive tuition and
1 4 mandatory fee charges for any student in good standing who is
1 5 a resident of Iowa; is under the age of twenty=six, or under
1 6 the age of thirty if the student is a qualified veteran as
1 7 defined in subsection 14; is not a convicted felon as defined
1 8 in section 910.15; and meets the following criteria:

1 9 a. Is the child of a peace officer, as defined in section
1 10 97A.1, who receives benefits under section 97A.6, subsection
1 11 5, or was killed in the line of duty as determined by the
1 12 board of trustees of the Iowa department of public safety
1 13 peace officers' retirement, accident, and disability system in
1 14 accordance with section 97A.6, subsection 16.

1 15 b. Is the child of a police officer or a fire fighter, as
1 16 defined in section 411.1, who receives benefits under section
1 17 411.6, subsection 5, or was killed in the line of duty as
1 18 determined by the statewide fire and police retirement system
1 19 in accordance with section 411.6, subsection 15.

1 20 Sec. 2. Section 262.9, Code 2011, is amended by adding the
1 21 following new subsection:

1 22 NEW SUBSECTION. 36. Adopt rules that require the
1 23 institutions of higher education under its control to waive
1 24 tuition and mandatory fee charges for any undergraduate student
1 25 in good standing who is a resident of Iowa; is under the age
1 26 of twenty=six, or under the age of thirty if the student is
1 27 a qualified veteran as defined in subsection 17; is not a
1 28 convicted felon as defined in section 910.15; and meets the
1 29 following criteria:

1 30 a. Is the child of a peace officer, as defined in section
1 31 97A.1, who receives benefits under section 97A.6, subsection
1 32 5, or was killed in the line of duty as determined by the
1 33 board of trustees of the Iowa department of public safety
1 34 peace officers' retirement, accident, and disability system in
1 35 accordance with section 97A.6, subsection 16.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House File 426 - Introduced continued

2 1 b. Is the child of a police officer or a fire fighter, as
2 2 defined in section 411.1, who receives benefits under section
2 3 411.6, subsection 5, or was killed in the line of duty as
2 4 determined by the statewide fire and police retirement system
2 5 in accordance with section 411.6, subsection 15.

2 6 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 7 3, shall not apply to this Act.

2 8 EXPLANATION

2 9 This bill directs the community colleges and regents
2 10 universities to waive tuition and mandatory fee charges for
2 11 any undergraduate student in good standing who is a resident
2 12 of Iowa; is under the age of 26, or 30 if the student is a
2 13 veteran who is eligible for or has exhausted federal veterans
2 14 educational benefits and has resided in this state for at least
2 15 one year or sufficient time to have filed an Iowa tax return in
2 16 the preceding 12 months; is not a convicted felon; and is the
2 17 child of a peace officer, police officer, or fire fighter who
2 18 receives accidental disability benefits or who was killed in
2 19 the line of duty.

2 20 The bill may include a state mandate as defined in Code
2 21 section 25B.3. The bill makes inapplicable Code section 25B.2,
2 22 subsection 3, which would relieve a political subdivision from
2 23 complying with a state mandate if funding for the cost of
2 24 the state mandate is not provided or specified. Therefore,
2 25 political subdivisions are required to comply with any state
2 26 mandate included in the bill.

LSB 2621YH (2) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 183

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ECONOMIC
GROWTH/REBUILD IOWA
BILL BY CHAIRPERSON
GRASSLEY)

A BILL FOR

1 An Act relating to an annual review of certain disaster=related
2 programs, plans, and systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2685YC (3) 84
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 183 continued

PAG LIN

1 1 Section 1. Section 29C.8, subsection 3, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. Annually review the comprehensive plan
1 4 and emergency management program prepared pursuant to paragraph
1 5 "a". In cooperation with the department of human services,
1 6 the administrator shall annually review the statewide system
1 7 of disaster case management. By November 1 of each year, the
1 8 administrator shall submit a report to the governor and the
1 9 general assembly regarding the annual review and any necessary
1 10 recommended changes for the comprehensive plan and emergency
1 11 management program and for the statewide system of disaster
1 12 case management.

1 13 EXPLANATION

1 14 This bill relates to an annual review of certain
1 15 disaster-related programs, plans, and systems.
1 16 Currently, the administrator of the homeland security
1 17 and emergency management division of the department of
1 18 public defense is required to prepare a comprehensive plan
1 19 and emergency management program for homeland security,
1 20 disaster preparedness, response, recovery, mitigation,
1 21 emergency operation, and emergency resource management of the
1 22 state. Currently, the rebuild Iowa office, the department
1 23 of human services, and nonprofit, voluntary, and faith-based
1 24 organizations active in disaster recovery and response,
1 25 in coordination with the homeland security and emergency
1 26 management division establish a statewide system of disaster
1 27 case management to be activated following the governor's
1 28 proclamation of a disaster emergency or the declaration of
1 29 a major disaster by the president of the United States for
1 30 individual assistance purposes.
1 31 The bill requires the administrator of the homeland security
1 32 and emergency management division to conduct an annual review
1 33 of the comprehensive plan and emergency management program.
1 34 The bill requires the administrator, in cooperation with the
1 35 department of human services, to conduct an annual review of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 183 continued

- 2 1 the statewide system of disaster case management. The bill
- 2 2 includes reporting requirements.

LSB 2685YC (3) 84

tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 184

HOUSE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
CHAMBERS)

A BILL FOR

1 An Act exempting all or a portion of homesteads owned by
2 certain disabled veterans from property taxation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2669YC (5) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 184 continued

PAG LIN

1 1 Section 1. Section 427.1, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 38. Homestead of disabled soldier. To the
1 4 extent provided in this subsection, the buildings and grounds
1 5 of the homestead owned by an honorably discharged disabled
1 6 veteran with a service=connected disability shall be exempt
1 7 from taxation. The percentage of value exempted under this
1 8 subsection is equal to the disabled veteran's service=connected
1 9 disability rating, expressed as a percentage, as certified by
1 10 the United States department of veterans affairs. "Disabled
1 11 veteran" means a veteran as defined in section 35.1 who has a
1 12 service=connected disability certified by the United States
1 13 department of veterans affairs, pursuant to 38 C.F.R. ch. 1,
1 14 pt. 4. "Homestead" means as defined in section 425.11.

1 15 EXPLANATION

1 16 This bill requires that the buildings and grounds of the
1 17 homestead of certain disabled veterans be exempt from property
1 18 taxes to the extent of the disabled veteran's service=connected
1 19 disability rating.

1 20 Code section 25B.7 applies to the property tax exemption in
1 21 this bill. That Code section requires state funding in order
1 22 to implement a property tax exemption.

LSB 2669YC (5) 84

aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date and retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2378HC (2) 84
lh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

PAG LIN

1 1 DIVISION I
1 2 STATUTORY CORRECTIONS
1 3 Section 1. Section 8.9, subsection 1, Code 2011, is amended
1 4 to read as follows:
1 5 1. The office of grants enterprise management is
1 6 established in the department of management. The function of
1 7 the office is to develop and administer a system to track,
1 8 identify, advocate for, and coordinate nonstate grants as
1 9 defined in section 8.2, subsections 1 and 3. Staffing for
1 10 the office of grants enterprise management shall be provided
1 11 by a facilitator appointed by the director of the department
1 12 of management. Additional staff may be hired, subject to the
1 13 availability of funding. ~~Funding for the office is from the~~
~~1 14 appropriation to the department pursuant to section 8A.505,~~
~~1 15 subsection 2.~~
1 16 Sec. 2. Section 8A.207, subsection 5, paragraph c, Code
1 17 2011, is amended to read as follows:
1 18 c. Contracts let by another governmental entity. The
1 19 department, on its own behalf or on the behalf of another
1 20 participating agency or governmental entity, may procure
1 21 information technology under an existing competitively procured
1 22 contract let by another governmental entity, or may approve
1 23 such procurement in the same manner by a participating agency
1 24 or governmental entity. The department, on its own behalf or
1 25 on the behalf of another participating agency or governmental
1 26 entity, may also procure information technology by leveraging
1 27 an existing competitively procured contract, ~~or~~ other than
1 28 a contract associated with the state board of regents or an
1 29 institution under the control of the state board of regents.
1 30 Sec. 3. Section 15.104, subsection 6, Code 2011, is amended
1 31 to read as follows:
1 32 6. Review grants or contracts awarded by the department,
1 33 with respect to the department's adherence to the guidelines
1 34 and procedures ~~and the impact on the three-year strategic plan~~
~~1 35 for economic growth.~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

2 1 Sec. 4. Section 15.117A, subsection 2, paragraph a,
2 2 subparagraph (5), Code 2011, is amended to read as follows:
2 3 (5) The person ~~designated~~ appointed as the chief
2 4 information officer pursuant to section ~~8A.104, subsection 12~~
~~2 5 8A.201A~~, or, if no person has been so ~~designated~~ appointed, the
2 6 director of the department of administrative services, or the
2 7 director's designee.
2 8 Sec. 5. Section 15.119, subsection 2, paragraph e, Code
2 9 2011, is amended to read as follows:
2 10 e. The assistive device tax credit program administered
2 11 pursuant to ~~section 422.11E and section 422.33~~, subsection 9.
2 12 Sec. 6. Section 15.333, subsection 1, paragraph b, Code
2 13 2011, is amended by striking the paragraph.
2 14 Sec. 7. Section 16.131A, unnumbered paragraph 1, Code 2011,
2 15 is amended to read as follows:
2 16 As used in section 16.131, this section, and sections 16.132
2 17 through ~~16.134~~ 16.135, unless the context otherwise requires:
2 18 Sec. 8. Section 16.135, subsection 2, paragraph b, Code
2 19 2011, is amended to read as follows:
2 20 b. The financial ability of the users to support the
2 21 existing wastewater treatment system, improvements to the
2 22 wastewater treatment system, and the long-term maintenance of
2 23 the wastewater treatment system.
2 24 Sec. 9. Section 16.192, subsections 4 and 5, Code 2011, are
2 25 amended to read as follows:
2 26 4. Award financial assistance, including financial
2 27 assistance in the form of grants under the Iowa jobs program
2 28 and Iowa jobs II program pursuant to sections 16.194, 16.194A,
2 29 and 16.195.
2 30 5. Enter into and enforce grant agreements as necessary or
2 31 convenient to implement the Iowa jobs program and Iowa jobs II
~~2 32 program.~~
2 33 Sec. 10. Section 16.193, subsections 1 and 2, Code 2011, are
2 34 amended to read as follows:
2 35 1. The Iowa finance authority, subject to approval by the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

3 1 Iowa jobs board, shall adopt administrative rules pursuant
3 2 to chapter 17A necessary to administer the Iowa jobs program
3 3 and Iowa jobs II program. The authority shall provide the
3 4 board with assistance in implementing administrative functions,
3 5 providing technical assistance and application assistance to
3 6 applicants under the programs, negotiating contracts, and
3 7 providing project follow up. The authority, in cooperation
3 8 with the board, may conduct negotiations on behalf of the board
3 9 with applicants regarding terms and conditions applicable to
3 10 awards under the program.

3 11 2. During the term of the Iowa jobs program established
3 12 in section 16.194 and the Iowa jobs II program established in
3 13 section 16.194A, two hundred thousand dollars of the moneys
3 14 deposited in the rebuild Iowa infrastructure fund shall be
3 15 allocated each fiscal year to the Iowa finance authority for
3 16 purposes of administering the Iowa jobs program and Iowa
3 17 jobs II program, notwithstanding section 8.57, subsection 6,
3 18 paragraph "c".

3 19 Sec. 11. Section 16.193, subsection 3, paragraph a, Code
3 20 2011, is amended to read as follows:

3 21 a. During the term of the Iowa jobs program and Iowa jobs
3 22 II program, the Iowa finance authority shall collect data on
3 23 all of the projects approved for the program. The department
3 24 of management and the state agencies associated with the
3 25 projects shall assist the authority with the data collection
3 26 and in developing the report required by this subsection.
3 27 The authority shall report quarterly to the governor and the
3 28 general assembly concerning the data.

3 29 Sec. 12. Section 16.195, subsection 1, Code 2011, is amended
3 30 to read as follows:

3 31 1. Applications for assistance under the Iowa jobs program
3 32 and Iowa jobs II program shall be submitted to the Iowa finance
3 33 authority. The authority shall provide a staff review and
3 34 evaluation of applications to the Iowa jobs program review
3 35 committee referred to in subsection 2 and to the Iowa jobs



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

4 1 board.

4 2 Sec. 13. Section 28H.1, unnumbered paragraph 1, Code 2011,
4 3 is amended to read as follows:

4 4 For purposes of this chapter, a council of governments
4 5 includes the following areas established by executive order
4 6 number 11,~~1969~~ 1968 or a chapter 28E agreement:

4 7 Sec. 14. Section 29A.43, subsection 1, Code 2011, is amended
4 8 to read as follows:

4 9 1. A person shall not discriminate against any officer or
4 10 enlisted person of the national guard or organized reserves
4 11 of the armed forces of the United States or any member of the
4 12 civil air patrol because of that membership. An employer,
4 13 or agent of an employer, shall not discharge a person from
4 14 employment because of being an officer or enlisted person of
4 15 the military forces of the state or member of the civil air
4 16 patrol, or hinder or prevent the officer or enlisted person or
4 17 member of the civil air patrol from performing any military
4 18 service or civil air patrol duty the person is called upon
4 19 to perform by proper authority. A member of the national
4 20 guard or organized reserves of the armed forces of the United
4 21 States ordered to temporary duty or service, as defined in
4 22 section 29A.1, subsection 3, 11, or 12, or a member of the
4 23 civil air patrol performing duty pursuant to section 29A.3A,
4 24 for any purpose is entitled to a leave of absence during
4 25 the period of the duty or service, from the member's private
4 26 employment unless the employment is of a temporary nature.
4 27 Upon completion of the duty or service, the employer shall
4 28 restore the person to the position held prior to the leave of
4 29 absence or employ the person in a position of like seniority,
4 30 status, and pay. However, the person shall give evidence to
4 31 the employer of satisfactory completion of the duty or service,
4 32 and that the person is still qualified to perform the duties of
4 33 the position. The period of absence shall be construed as an
4 34 absence with leave, and shall in no way affect the employee's
4 35 rights to vacation, sick leave, bonus, or other employment



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

5 1 benefits relating to the employee's particular employment.

5 2 Sec. 15. Section 50.39, Code 2011, is amended to read as
5 3 follows:

5 4 50.39 Abstract.

5 5 ~~It~~ The state board of canvassers shall make an abstract
5 6 stating the number of ballots cast for each office, the names
5 7 of all the persons voted for, for what office, the number of
5 8 votes each received, and whom ~~it~~ the state board of canvassers
5 9 declares to be elected, and if a public question has been
5 10 submitted to the voters of the state, the number of ballots
5 11 cast for and against the question and a declaration of the
5 12 result as determined by the canvassers; which abstract shall
5 13 be signed by the canvassers in their official capacity and as
5 14 state canvassers, and have the seal of the state affixed.

5 15 Sec. 16. Section 52.2, Code 2011, is amended to read as
5 16 follows:

5 17 52.2 ~~Purchase~~ Optical scan voting system required.

5 18 ~~1. Except as otherwise provided in subsection 2, the board~~
~~5 19 of supervisors of a county may, by a majority vote, authorize,~~
~~5 20 purchase, and order the use of voting machines or an optical~~
~~5 21 scan voting system in any one or more voting precincts within~~
~~5 22 the county until otherwise ordered by the board of supervisors.~~
~~5 23 Voting machines and an optical scan voting system may be used~~
~~5 24 concurrently at the same precinct.~~

5 25 ~~2.~~ Notwithstanding any provision to the contrary, for
5 26 elections held on or after November 4, 2008, a county shall use
5 27 an optical scan voting system only. The requirements of the
5 28 federal Help America Vote Act relating to disabled voters shall
5 29 be met by a county through the use of electronic ballot marking
5 30 devices that are compatible with an optical scan voting system.

5 31 Sec. 17. Section 68A.401, subsection 4, Code 2011, is
5 32 amended to read as follows:

5 33 4. Political committees expressly advocating the
5 34 nomination, election, or defeat of candidates for both
5 35 federal office and any elected office created by law or the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

6 1 Constitution of the State of Iowa shall file statements and
6 2 reports with the board in addition to any federal reports
6 3 required to be filed with the board. However, a political
6 4 committee that is registered and filing full disclosure
6 5 reports of all financial activities with the federal election
6 6 commission may file verified statements as provided in section
6 7 ~~68A.201~~ 68B.201A.
6 8 Sec. 18. Section 88.5, subsection 11, Code 2011, is amended
6 9 to read as follows:
6 10 11. Railway sanitation and shelter. A railway corporation
6 11 within the state shall provide adequate sanitation and shelter
6 12 for all railway employees. The commissioner shall adopt rules
6 13 requiring railway corporations within the state to provide a
6 14 safe and healthy workplace. The commissioner shall enforce the
6 15 requirements of this ~~section~~ subsection upon the receipt of a
6 16 written complaint.
6 17 Sec. 19. Section 89.3, subsection 5, paragraph a,
6 18 unnumbered paragraph 1, Code 2011, is amended to read as
6 19 follows:
6 20 An object that meets all of the following criteria shall
6 21 be inspected at least once each year externally while under
6 22 pressure and at least once every four years internally while
6 23 not under pressure, unless the commissioner determines an
6 24 earlier inspection is warranted-:
6 25 Sec. 20. Section 89.5, subsection 3, unnumbered paragraph
6 26 1, Code 2011, is amended to read as follows:
6 27 A rule adopted pursuant to this chapter which adopts
6 28 standards by reference to another publication shall be exempt
6 29 from the requirements of section ~~2B.5A~~ 17A.6, subsection 4 2,
6 30 if the following conditions exist:
6 31 Sec. 21. Section 89A.3, subsection 5, unnumbered paragraph
6 32 1, Code 2011, is amended to read as follows:
6 33 A rule adopted pursuant to this section which adopts
6 34 standards by reference to another publication shall be exempt
6 35 from the requirements of section ~~2B.5A~~ 17A.6, subsection 4 2,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

7 1 if the following conditions exist:

7 2 Sec. 22. Section 90A.11, subsection 3, paragraph e, Code
7 3 2011, is amended to read as follows:

7 4 e. Civil penalties recovered pursuant to this ~~section~~
~~7 5 subsection~~ shall be remitted by the commissioner to the
7 6 treasurer of state for deposit in the general fund of the
7 7 state.

7 8 Sec. 23. Section 91.4, Code 2011, is amended to read as
7 9 follows:

7 10 91.4 Duties and powers.

7 11 1. The duties of said commissioner shall be:

7 12 ~~1-~~ a. To safely keep all records, papers, documents,
7 13 correspondence, and other property pertaining to or coming into
7 14 the commissioner's hands by virtue of the office, and deliver
7 15 the same to the commissioner's successor, except as otherwise
7 16 provided.

7 17 ~~2-~~ b. To collect, assort, and systematize statistical
7 18 details relating to programs of the division of labor services.

7 19 ~~3-~~ c. To issue from time to time bulletins containing
7 20 information of importance to the industries of the state and
7 21 to the safety of wage earners.

7 22 ~~4-~~ d. To conduct and to cooperate with other interested
7 23 persons and organizations in conducting educational programs
7 24 and projects on employment safety.

7 25 e. To serve as an ex officio member of the state fire
7 26 service and emergency response council, or appoint a designee
7 27 to serve as an ex officio member of such council, to assist
7 28 the council in the development of rules relating to fire
7 29 fighting training standards and any other issues relating to
7 30 occupational safety and health standards for fire fighters.

7 31 ~~5-~~ 2. The director of the department of workforce
7 32 development, in consultation with the labor commissioner,
7 33 shall, at the time provided by law, make an annual report to
7 34 the governor setting forth in appropriate form the business and
7 35 expense of the division of labor services for the preceding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

8 1 year, the number of remedial actions taken under chapter
8 2 89A, the number of disputes or violations processed by the
8 3 division and the disposition of the disputes or violations, and
8 4 other matters pertaining to the division which are of public
8 5 interest, together with recommendations for change or amendment
8 6 of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A,
8 7 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,
8 8 and the recommendations, if any, shall be transmitted by the
8 9 governor to the first general assembly in session after the
8 10 report is filed.

8 11 ~~6.~~ 3. The commissioner, with the assistance of the office
8 12 of the attorney general if requested by the commissioner, may
8 13 commence a civil action in any court of competent jurisdiction
8 14 to enforce the statutes under the commissioner's jurisdiction.

8 15 ~~7.~~ 4. The division of labor services may sell documents
8 16 printed by the division at cost according to rules established
8 17 by the labor commissioner pursuant to chapter 17A. Receipts
8 18 from the sale shall be deposited to the credit of the division
8 19 and may be used by the division for administrative expenses.

8 20 ~~8.~~ 5. Except as provided in chapter 91A, the commissioner
8 21 may recover interest, court costs, and any attorney fees
8 22 incurred in recovering any amounts due. The recovery shall
8 23 only take place after final agency action is taken under
8 24 chapter 17A, or upon judicial review, after final disposition
8 25 of the case by the court. Attorney fees recovered in an
8 26 action brought under the jurisdiction of the commissioner
8 27 shall be deposited in the general fund of the state. The
8 28 commissioner is exempt from the payment of any filing fee or
8 29 other court costs including but not limited to fees paid to
8 30 county sheriffs.

8 31 ~~9.~~ 6. The commissioner may establish rules pursuant to
8 32 chapter 17A to assess and collect interest on fees, penalties,
8 33 and other amounts due the division. The commissioner may delay
8 34 or, following written notice, deny the issuance of a license,
8 35 commission, registration, certificate, or permit authorized



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

9 1 under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant
9 2 for the license, commission, registration, certificate, or
9 3 permit owes a liquidated debt to the commissioner.
9 4 ~~10. Serve as an ex officio member of the state fire service~~
~~9 5 and emergency response council, or appoint a designee to serve~~
~~9 6 as an ex officio member of such council, to assist the council~~
~~9 7 in the development of rules relating to fire fighting training~~
~~9 8 standards and any other issues relating to occupational safety~~
~~9 9 and health standards for fire fighters.~~
9 10 Sec. 24. Section 97B.49A, subsection 3, Code 2011, is
9 11 amended to read as follows:
9 12 3. Calculation of monthly allowance. For each active or
9 13 inactive vested member retiring on or after July 1, 1994, ~~with~~
~~9 14 four or more complete years of~~ who is vested by service, a
9 15 monthly benefit shall be computed which is equal to one-twelfth
9 16 of an amount equal to the applicable percentage of the final
9 17 average covered wage multiplied by a fraction of years of
9 18 service. However, if benefits under this section commence on
9 19 an early retirement date, the amount of the benefit shall be
9 20 reduced in accordance with section 97B.50.
9 21 Sec. 25. Section 97C.3, subsections 1, 2, and 3, Code 2011,
9 22 are amended to read as follows:
9 23 1. Benefits will be provided for employees whose services
9 24 are covered by the agreement ~~(and, and their dependents and~~
9 25 ~~survivors)~~ survivors, on the same basis as though such services
9 26 constituted employment within the meaning of Tit. II of said
9 27 Social Security Act.
9 28 2. The state will pay to the secretary of the treasury,
9 29 at such time or times as may be prescribed under the Social
9 30 Security Act, Tit. II, contributions with respect to wages ~~(as~~
~~9 31 as defined in section 97C.2 of this chapter)~~, equal to the
9 32 sum of taxes which would be imposed by sections 1400 and 1410
9 33 of the federal Insurance Contributions Act, if the services
9 34 covered by the agreement constituted employment within the
9 35 meaning of that Act.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

10 1 3. Such agreement shall be effective with respect to
10 2 services in employment covered by the agreement performed after
10 3 a date specified therein, but in no event may it be effective
10 4 with respect to any such services performed prior to the first
10 5 day of the calendar year in which such agreement is entered
10 6 into or in which the modification of the agreement making it
10 7 applicable to such services is entered into, provided that
10 8 in the case of an agreement or modification made after ~~the~~
~~10 9 effective date of this chapter [May May 3, 1953] 1953, and~~
10 10 prior to January 1, 1954, such agreement or modification of
10 11 the agreement shall be made effective with respect to any such
10 12 services performed on or after January 1, 1951.
10 13 Sec. 26. Section 99B.5A, subsection 2, unnumbered paragraph
10 14 1, Code 2011, is amended to read as follows:
10 15 Bingo may lawfully be conducted at a fair, ~~as defined in~~
~~10 16 section 174.1,~~ or a community festival if all the following
10 17 conditions are met:
10 18 Sec. 27. Section 100C.6, subsection 4, Code 2011, is amended
10 19 to read as follows:
10 20 4. Relieve any person engaged in fire protection system
10 21 installation, maintenance, repair, service, or inspection
10 22 as ~~defined~~ provided in section 100D.1 from obtaining a fire
10 23 protection system installer and maintenance worker license as
10 24 required pursuant to chapter 100D.
10 25 Sec. 28. Section 101.1, subsection 2, Code 2011, is amended
10 26 by adding the following new paragraph:
10 27 NEW PARAGRAPH. e. "Petroleum" means petroleum as defined in
10 28 section 455B.471.
10 29 Sec. 29. Section 101.2, Code 2011, is amended to read as
10 30 follows:
10 31 101.2 Scope of rules.
10 32 Except as otherwise provided in this chapter, the rules
10 33 shall be in substantial compliance with the standards of the
10 34 national fire protection association relating to flammable
10 35 and combustible liquids, and liquefied petroleum gases, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

11 1 liquefied natural gases.

11 2 Sec. 30. Section 101.3, Code 2011, is amended to read as
11 3 follows:

11 4 101.3 Separate rules for liquids and gas.

11 5 The rules covering combustible and flammable liquids shall
11 6 be formulated and promulgated separately from those covering
11 7 liquefied petroleum gas and from those covering liquefied
11 8 natural gases.

11 9 Sec. 31. Section 101.21, subsection 4, Code 2011, is amended
11 10 by striking the subsection.

11 11 Sec. 32. Section 101.22, subsection 8, paragraph b, Code
11 12 2011, is amended to read as follows:

11 13 b. A person who conveys or deposits flammable or combustible
11 14 liquid shall inspect the aboveground flammable or combustible
11 15 liquid storage tank to determine the existence or absence of
11 16 the registration tag. If a registration tag is not affixed to
11 17 the aboveground flammable or combustible liquid storage tank
11 18 fill pipe, the person conveying or depositing the flammable or
11 19 combustible liquid may deposit the flammable or combustible
11 20 liquid in the unregistered tank. However, the only one deposit
11 21 is allowed only in the single instance into the unregistered
11 22 tank, that the person provides making the deposit shall provide
11 23 the owner or operator of the tank with another notice as
11 24 required by subsection 5, and that the person provides shall
11 25 provide the owner or operator with an aboveground flammable or
11 26 combustible liquid storage tank registration form.

11 27 Sec. 33. Section 103.25, subsection 1, Code 2011, is amended
11 28 to read as follows:

11 29 1. At or before commencement of any installation required
11 30 to be inspected by the board, the licensee or property owner
11 31 making such installation shall submit to the state fire
11 32 marshal's office a request for inspection. The board shall
11 33 prescribe the methods by which the request may be submitted,
11 34 which may include electronic submission or through a form
11 35 prescribed by the board that can be submitted either through



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

12 1 the mail or by a fax transmission. The board shall also
12 2 prescribe methods by which inspection fees can be paid, which
12 3 may include electronic methods of payment. If the board or the
12 4 state fire marshal's office becomes aware that a person has
12 5 failed to file a necessary request for inspection, the board
12 6 shall send a written notification by certified mail that the
12 7 request must be filed within fourteen days. Any person filing
12 8 a late request for inspection shall pay a delinquency fee in
12 9 an amount to be determined by the board. A person who fails
12 10 to file a late request within fourteen days from receipt of
12 11 the notification shall be subject to a civil penalty to be
12 12 determined by the board by rule.

12 13 Sec. 34. Section 103.33, subsection 3, Code 2011, is amended
12 14 to read as follows:

12 15 3. Upon receipt of notice of appeal from a condemnation
12 16 or disconnection order because the electrical installation
12 17 is not in compliance with accepted standards of construction
12 18 for health safety to health and property safety, except as
12 19 provided in subsection 2, the order appealed from shall be
12 20 stayed until final decision of the board and the board shall
12 21 notify the property owner and the electrical contractor, class
12 22 A master electrician, class B master electrician, fire alarm
12 23 installer, special electrician, or if established by the board
12 24 the residential master electrician, making the installation.
12 25 The power supplier shall also be notified in those instances in
12 26 which the order has been served on such supplier.

12 27 Sec. 35. Section 123.53, subsection 4, Code 2011, is amended
12 28 to read as follows:

12 29 4. The treasurer of state shall, each quarter, prepare
12 30 an estimate of the gaming revenues and of the moneys to be
12 31 deposited in the beer and liquor control fund that will become
12 32 available during the remainder of the appropriate fiscal year
12 33 for the purposes described in subsection 3. The department
12 34 of management, the department of inspections and appeals, and
12 35 the department of commerce shall take appropriate actions to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

13 1 provide that the sum of the amount of gaming revenues available
13 2 to be deposited into the revenue bonds debt service fund and
13 3 the revenue bonds federal subsidy holdback fund during a fiscal
13 4 year and the amount of moneys to be deposited in the beer and
13 5 liquor control fund available to be deposited into the revenue
13 6 bonds debt service fund and the revenue bonds federal subsidy
13 7 holdback fund during such fiscal year will be sufficient to
13 8 cover any anticipated deficiencies.

13 9 Sec. 36. Section 135B.19, Code 2011, is amended to read as
13 10 follows:

13 11 135B.19 Title of division.

13 12 This ~~law~~ division may be cited as the "Pathology and
13 13 Radiology Services in Hospitals Law".

13 14 Sec. 37. Section 163.30, subsection 5, paragraph a, Code
13 15 2011, is amended to read as follows:

13 16 a. However, swine may be moved intrastate directly
13 17 to an approved state, federal, or auction market without
13 18 identification or certification, if the swine are to be
13 19 identified and certificated at the state, federal, or auction
13 20 market.

13 21 Sec. 38. Section 185C.29, subsection 1, Code 2011, is
13 22 amended to read as follows:

13 23 1. After the direct and indirect costs incurred by the
13 24 secretary and the costs of elections, referendums, necessary
13 25 board expenses, and administrative costs have been paid, at
13 26 least seventy=five percent of the remaining moneys from a state
13 27 assessment deposited in the corn promotion fund shall be used
13 28 to carry out the purposes of ~~this chapter~~ the board as provided
13 29 in section 185C.11.

13 30 Sec. 39. Section 203D.1, Code 2011, is amended by adding the
13 31 following new unnumbered paragraph:

13 32 NEW UNNUMBERED PARAGRAPH As used in this chapter, unless
13 33 the context otherwise requires:

13 34 Sec. 40. Section 207.1, subsection 2, Code 2011, is amended
13 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

14 1 2. The general assembly finds and declares that because the
14 2 federal Surface Mining Control and Reclamation Act of 1977,
14 3 Pub. L. No. 95=87, codified at 30 U.S.C. ch. 25, subch. IV,
14 4 provides for a permit system to regulate the mining of coal
14 5 and reclamation of the mining sites and provides that permits
14 6 may be issued by states which are authorized to implement the
14 7 provisions of that Act, it is in the interest of the people
14 8 of Iowa to enact the provisions of this chapter in order to
14 9 authorize the state to implement the provisions of the federal
14 10 Surface Mining Control and Reclamation Act of 1977 and federal
14 11 regulations and guidelines issued pursuant to that Act.

14 12 Sec. 41. Section 207.3, subsections 2 and 3, Code 2011, are
14 13 amended to read as follows:

14 14 2. The division may, after notification to the committee,
14 15 commence proceedings to suspend, revoke, or refuse to renew a
14 16 license of a licensee for repeated or willful violation of any
14 17 of the provisions of this chapter or of the federal Coal Mine
14 18 Health and Safety Act of 1969, 30 U.S.C. { 801 et seq.

14 19 3. The hearing shall be held pursuant to chapter 17A not
14 20 less than fifteen nor more than thirty days after the mailing
14 21 or service of the notice. If the licensee is found to have
14 22 willfully or repeatedly violated any of the provisions of this
14 23 chapter or of the federal Coal Mine Health and Safety Act of
14 24 1969, 30 U.S.C. { 801 et seq., the committee may affirm or
14 25 modify the proposed suspension, revocation, or refusal to renew
14 26 the license.

14 27 Sec. 42. Section 207.16, subsection 1, Code 2011, is amended
14 28 to read as follows:

14 29 1. Each operator upon completion of any reclamation work
14 30 required by this chapter shall apply to the division in writing
14 31 for approval of the work. The division shall promulgate rules
14 32 consistent with Pub. L. No. 95=87, ~~section~~ { 519, codified at
14 33 30 U.S.C. { 1269, regarding procedures and requirements to
14 34 release performance bonds or deposits.

14 35 Sec. 43. Section 207.19, Code 2011, is amended to read as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

15 1 follows:

15 2 207.19 Surface effects of underground coal mining operations.

15 3 1. The provisions of this chapter shall be applicable

15 4 to surface operations and surface impacts incident to an

15 5 underground coal mine with such modifications to the permit

15 6 application requirements, permit approval or denial procedures,

15 7 and bond requirements as are necessary to accommodate the

15 8 distinct difference between surface and underground coal

15 9 mining. The division shall promulgate such modifications in

15 10 its rules to allow for such distinct differences and still

15 11 fulfill the purposes of this chapter and be consistent with

15 12 the requirements ~~in section 516~~ of Pub. L. No. 95=87, { 516,

15 13 codified at 30 U.S.C. { 1266, and the permanent regulations

15 14 issued pursuant to that Act.

15 15 2. In order to protect the stability of the land, the

15 16 division shall suspend underground coal mining under urbanized

15 17 areas, cities, and communities and adjacent to industrial or

15 18 commercial buildings, major impoundments, or permanent streams

15 19 if the administrator finds imminent danger to inhabitants of

15 20 the urbanized areas, cities, and communities.

15 21 Sec. 44. Section 207.21, subsection 1, Code 2011, is amended

15 22 to read as follows:

15 23 1. The division shall participate in the abandoned mine

15 24 reclamation program under ~~Tit. IV,~~ Pub. L. No. 95=87, Tit. IV,

15 25 codified at 30 U.S.C. ch. 25, subch. IV. There is established

15 26 an abandoned mine reclamation fund under the control of the

15 27 division.

15 28 Sec. 45. Section 207.21, subsection 4, paragraph a, Code

15 29 2011, is amended to read as follows:

15 30 a. The division shall submit to the secretary a state

15 31 reclamation plan and annual projects to carry out the purposes

15 32 of this program. The plan shall generally identify the areas

15 33 to be reclaimed, the purposes for which the reclamation is

15 34 proposed, the relationship of the lands to be reclaimed and

15 35 the proposed reclamation to surrounding areas, the specific



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

16 1 criteria for ranking and identifying projects to be funded, and
16 2 the legal authority and programmatic capability to perform such
16 3 work in conformance with the provisions of ~~Tit. IV of~~ Pub. L.
16 4 No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.
16 5 Sec. 46. Section 207.21, subsection 5, unnumbered paragraph
16 6 1, Code 2011, is amended to read as follows:
16 7 The division in participating in the abandoned mine
16 8 reclamation program under ~~Tit. IV of~~ Pub. L. No. 95=87, Tit.
16 9 IV, codified at 30 U.S.C. ch. 25, subch. IV, shall have the
16 10 following additional powers:
16 11 Sec. 47. Section 207.22, subsection 3, paragraph b, Code
16 12 2011, is amended to read as follows:
16 13 b. Acquisition of coal refuse disposal sites and all
16 14 coal refuse thereon will serve the purposes of Tit. IV of
16 15 Pub. L. No. 95=87, Tit. IV, codified at 30 U.S.C. ch. 25,
16 16 subch. IV, or that public ownership is desirable to meet
16 17 emergency situations and prevent recurrences of the adverse
16 18 effect of past coal mining practices.
16 19 Sec. 48. Section 216A.6, subsection 2, paragraph d, Code
16 20 2011, is amended to read as follows:
16 21 d. Department, or division, or office evaluations of
16 22 information about a person seeking or receiving advocacy
16 23 services.
16 24 Sec. 49. Section 216A.96, unnumbered paragraph 1, Code
16 25 2011, is amended to read as follows:
16 26 A community action agency ~~or a delegate agency~~ shall:
16 27 Sec. 50. Section 216A.97, Code 2011, is amended to read as
16 28 follows:
16 29 216A.97 Administration.
16 30 A community action agency ~~or a delegate agency~~ may
16 31 administer the components of a community action program
16 32 when the program is consistent with plans and purposes and
16 33 applicable law. The community action programs may be projects
16 34 which are eligible for assistance from any source. The
16 35 programs shall be developed to meet local needs and may be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

17 1 designed to meet eligibility standards of a federal or state
17 2 program.

17 3 Sec. 51. Section 216A.133A, subsection 5, Code 2011, is
17 4 amended to read as follows:

17 5 5. The board shall report to the legislative general
17 6 assembly's standing committees on government oversight

17 7 ~~committee~~ all sources of funding by December 1 of each year.

17 8 Sec. 52. Section 217.6, Code 2011, is amended to read as
17 9 follows:

17 10 217.6 Rules and regulations ~~===~~ organization of department.

17 11 1. The director is hereby authorized to recommend to
17 12 the council for adoption such rules and regulations as are
17 13 necessary to carry into practice the programs of the various
17 14 divisions and to establish such divisions and to assign or
17 15 reassign duties, powers, and responsibilities within the
17 16 department, all with the approval of the council on human
17 17 services, within the department as the director deems necessary
17 18 and appropriate for the proper administration of the duties,
17 19 functions and programs with which the department is charged.
17 20 Any action taken, decision made, or administrative rule adopted
17 21 by any administrator of a division may be reviewed by the
17 22 director. The director, upon such review, may affirm, modify,
17 23 or reverse any such action, decision, or rule. ~~The director~~
17 24 ~~shall organize the department of human services into divisions~~
17 25 ~~to carry out in efficient manner the intent of this chapter.~~

17 26 2. The director shall organize the department of human
17 27 services into divisions to carry out in efficient manner the
17 28 intent of this chapter. The department of human services
17 29 may be initially divided into the following divisions of
17 30 responsibility: the division of child and family services, the
17 31 division of mental health and disability services, the division
17 32 of administration, and the division of planning, research and
17 33 statistics.

17 34 3. If the department of human services requires or requests
17 35 a service consumer, service provider, or other person to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

18 1 maintain required documentation in electronic form, the
18 2 department shall accept such documentation submitted by
18 3 electronic means and shall not require a physical copy of the
18 4 documentation unless required by state or federal law.

18 5 Sec. 53. Section 225C.5, subsection 1, paragraph k, Code
18 6 2011, is amended to read as follows:

18 7 k. One member ~~who is~~ shall be a military veteran ~~and~~ who
18 8 is knowledgeable concerning the behavioral and mental health
18 9 issues of veterans.

18 10 Sec. 54. Section 225C.6, subsection 1, paragraph k, Code
18 11 2011, is amended to read as follows:

18 12 k. Coordinate activities with the governor's developmental
18 13 disabilities council and the mental health planning council,
18 14 created pursuant to federal law. ~~Work~~ The commission shall
18 15 work with other state agencies on coordinating, collaborating,
18 16 and communicating concerning activities involving persons with
18 17 disabilities.

18 18 Sec. 55. Section 229.22, subsection 2, paragraph a, Code
18 19 2011, is amended to read as follows:

18 20 a. In the circumstances described in subsection 1, any
18 21 peace officer who has reasonable grounds to believe that
18 22 a person is mentally ill, and because of that illness is
18 23 likely to physically injure the person's self or others if
18 24 not immediately detained, may without a warrant take or cause
18 25 that person to be taken to the nearest available facility or
18 26 hospital as defined in section 229.11, subsection 1, paragraphs
18 27 "b" and "c". A person believed mentally ill, and likely to
18 28 injure the person's self or others if not immediately detained,
18 29 may be delivered to a facility or hospital by someone other
18 30 than a peace officer. Upon delivery of the person believed
18 31 mentally ill to the facility or hospital, the examining
18 32 physician may order treatment of that person, including
18 33 chemotherapy, but only to the extent necessary to preserve
18 34 the person's life or to appropriately control behavior by the
18 35 person which is likely to result in physical injury to that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

19 1 person or others if allowed to continue. The peace officer
19 2 who took the person into custody, or other party who brought
19 3 the person to the facility or hospital, shall describe the
19 4 circumstances of the matter to the examining physician. If the
19 5 person is a peace officer, the peace officer may do so either
19 6 in person or by written report. If the examining physician
19 7 finds that there is reason to believe that the person is
19 8 seriously mentally impaired, and because of that impairment is
19 9 likely to physically injure the person's self or others if not
19 10 immediately detained, the examining physician shall at once
19 11 communicate with the nearest available magistrate as defined in
19 12 section 801.4, subsection 10. The magistrate shall, based upon
19 13 the circumstances described by the examining physician, give
19 14 the examining physician oral instructions either directing that
19 15 the person be released forthwith or authorizing the person's
19 16 detention in an appropriate facility. A peace officer from the
19 17 law enforcement agency that took the person into custody, if
19 18 available, during the communication with the magistrate, may
19 19 inform the magistrate that an arrest warrant has been issued
19 20 for or charges are pending against the person and request that
19 21 any oral or written order issued under this subsection require
19 22 the facility or hospital to notify the law enforcement agency
19 23 about the discharge of the person prior to discharge. The
19 24 magistrate may also give oral instructions and order that the
19 25 detained person be transported to an appropriate facility.
19 26 Sec. 56. Section 229.39, subsection 3, paragraph a, Code
19 27 2011, is amended to read as follows:
19 28 a. The filing after July 1, 1978, of any report relative
19 29 to that person's status which would have been required to be
19 30 filed prior to said date if that person had initially been
19 31 hospitalized under this chapter as amended by 1975 Iowa Acts
19 32 ~~of the Sixty-sixth General Assembly, 1975 Session, ch. 139,~~
19 33 sections 1 to 30.
19 34 Sec. 57. Section 231.62, subsection 3, unnumbered paragraph
19 35 1, Code 2011, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

20 1 The department shall adopt rules ~~in consultation with the~~
~~20 2 direct care worker task force established pursuant to 2005 Iowa~~
~~20 3 Acts, ch. 88, and in coordination with the recommendations made~~
~~20 4 by the task force,~~ to implement all of the following training
20 5 and education provisions:
20 6 Sec. 58. Section 232.172, subsection 2, Code 2011, is
20 7 amended to read as follows:
20 8 2. This subsection applies to the confinement of a
20 9 delinquent juvenile under the jurisdiction of this state in an
20 10 institution located within a noncompacting state, as defined
20 11 in section 232.173, that entered into the interstate compact
20 12 on juveniles under section 232.171, ~~Code 2009~~. In addition
20 13 to any institution in which the authorities of this state may
20 14 otherwise confine or order the confinement of the delinquent
20 15 juvenile, such authorities may, pursuant to the out-of-state
20 16 confinement amendment to the interstate compact on juveniles in
20 17 section 232.171, ~~Code 2009~~, confine or order the confinement of
20 18 the delinquent juvenile in a compact institution within another
20 19 party state.
20 20 Sec. 59. Section 232C.4, Code 2011, is amended to read as
20 21 follows:
20 22 232C.4 Effect of emancipation order.
20 23 1. An emancipation order shall have the same effect as a
20 24 ~~child~~ minor reaching the age of majority with respect to but
20 25 not limited to the following:
20 26 a. The ability to sue or be sued in the ~~child's~~ minor's own
20 27 name.
20 28 b. The right to enter into a binding contract.
20 29 c. The right to establish a legal residence.
20 30 d. The right to incur debts.
20 31 e. The right to consent to medical, dental, or psychiatric
20 32 care.
20 33 2. An emancipation order shall have the same effect as the
20 34 ~~child~~ minor reaching the age of majority and the parents are
20 35 exempt from the following:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

21 1 a. Future child support obligations for the emancipated

21 2 ~~child~~ minor.

21 3 b. An obligation to provide medical support for the

21 4 emancipated ~~child~~ minor, unless deemed necessary by the court.

21 5 c. A right to the income or property of the emancipated

21 6 ~~child~~ minor.

21 7 d. A responsibility for the debts of the emancipated ~~child~~

~~21 8~~ minor.

21 9 3. An emancipated minor shall remain subject to voting

21 10 restrictions under chapter 48A, gambling restrictions under

21 11 chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under

21 12 chapter 123, compulsory attendance requirements under chapter

21 13 299, and cigarette tobacco restrictions under chapter 453A.

21 14 4. An emancipated ~~child~~ minor shall not be considered an

21 15 adult for prosecution except as provided in section 232.8.

21 16 5. Notwithstanding sections 232.147 through 232.151, the

21 17 emancipation order shall be released by the juvenile court

21 18 subject to rules prescribed by the supreme court.

21 19 6. A parent who is absolved of child support obligations

21 20 pursuant to an emancipation order shall notify the child

21 21 support recovery unit of the department of human services of

21 22 the emancipation.

21 23 Sec. 60. Section 234.7, subsection 2, paragraph a,

21 24 unnumbered paragraph 1, Code 2011, is amended to read as

21 25 follows:

21 26 The department of human services shall submit a waiver

21 27 request to the United States department of health and human

21 28 services as necessary to provide coverage under the medical

21 29 assistance program for ~~not more than three hundred children at~~

~~21 30 any one time~~ who are described by both of the following:

21 31 Sec. 61. Section 234.35, subsection 3, paragraph c, Code

21 32 2011, is amended to read as follows:

21 33 c. For a child who is at imminent risk of becoming homeless

21 34 or failing to graduate from high school or to obtain a

21 35 ~~graduate equivalency~~ general education development diploma,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

22 1 if the services are in the child's best interests, funding is
22 2 available for the services, and an appropriate alternative
22 3 service is unavailable.

22 4 Sec. 62. Section 235B.1, subsection 4, paragraph b,
22 5 subparagraph (1), Code 2011, is amended to read as follows:

22 6 (1) The advisory council shall consist of ~~fourteen~~ twelve
22 7 members. ~~Six~~ Eight members shall be appointed by and serve at
22 8 the pleasure of the governor. Four of the members appointed
22 9 shall be appointed on the basis of knowledge and skill related
22 10 to expertise in the area of dependent adult abuse including
22 11 professionals practicing in the disciplines of medicine, public
22 12 health, mental health, long-term care, social work, law,
22 13 and law enforcement. Two of the members appointed shall be
22 14 members of the general public with an interest in the area of
22 15 dependent adult abuse and two of the members appointed shall
22 16 be members of the Iowa caregivers association. In addition,
22 17 the membership of the council shall include the director or the
22 18 director's designee of the department of human services, the
22 19 department on aging, the Iowa department of public health, and
22 20 the department of inspections and appeals.

22 21 Sec. 63. Section 249M.3, subsection 5, Code 2011, is amended
22 22 to read as follows:

22 23 5. Net patient revenue as reported on each participating
22 24 hospital's fiscal year 2008 Medicare cost report, or as
22 25 reported under subsection 4 if applicable, shall be the sole
22 26 basis for the health care access assessment for the duration
22 27 of the program.

22 28 Sec. 64. Section 256B.3, subsection 9, Code 2011, is amended
22 29 to read as follows:

22 30 9. To cooperate with existing agencies such as the
22 31 department of human services, the Iowa department of public
22 32 health, the state school for the deaf, the Iowa braille and
22 33 sight saving school, ~~the state tuberculosis sanatorium,~~ the
22 34 children's hospitals, or other agencies concerned with the
22 35 welfare and health of children requiring special education



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

23 1 in the coordination of their educational activities for such
23 2 children.

23 3 Sec. 65. Section 256F.5, subsection 10, Code 2011, is
23 4 amended to read as follows:

23 5 10. The organization of the charter school or innovation
23 6 zone school in terms of ages of students or grades to be taught
23 7 along with an estimate of the total enrollment of the charter
23 8 school or innovation zone school.

23 9 Sec. 66. Section 256H.1, subsection 8, paragraph a, Code
23 10 2011, is amended to read as follows:

23 11 a. Each member state shall, through the creation of a
23 12 state council or use of an existing body or board, provide
23 13 for the coordination among its agencies of government, local
23 14 education agencies and military installations concerning
23 15 the state's participation in, and compliance with, this
23 16 compact and interstate commission activities. While each
23 17 member state may determine the membership of its own state
23 18 council, its membership must include at least: the director
23 19 of the department of education, a superintendent of a school
23 20 district with a high concentration of military children, a
23 21 representative from a military installation, one representative
23 22 each from the legislative and executive branches of government,
23 23 and other offices and stakeholder groups the state council
23 24 deems appropriate. A member state that does not have a school
23 25 district deemed to contain a high concentration of military
23 26 children may appoint a superintendent from another school
23 27 district to represent local education agencies on the state
23 28 council.

23 29 Sec. 67. Section 260C.69, subsection 1, Code 2011, is
23 30 amended to read as follows:

23 31 1. Each community college which completes a project, as
23 32 defined under section 260C.56, subsection 4, shall set aside
23 33 a percentage of available dormitory space for the purposes of
23 34 meeting the needs of the following ~~students~~:

23 35 a. Students, with families, who are participating in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

24 1 specialized or intensive programs.
24 2 b. Students who are participating in specialized or
24 3 intensive programs.
24 4 c. Child care arrangements for students, faculty, or staff.
24 5 d. Students whose residence is located too far from the
24 6 community college to permit commuting to and from school, as
24 7 determined by the board of directors of the merged area.
24 8 e. Students whose disabilities require special housing
24 9 adaptations.
24 10 Sec. 68. Section 260G.6, subsection 4, Code 2011, is amended
24 11 to read as follows:
24 12 4. In order to receive moneys pursuant to this section,
24 13 a program agreement approved by the community college board
24 14 of directors shall be in place, program capital cost requests
24 15 shall be approved by the Iowa economic development board
24 16 created in section 15.103, ~~program capital cost requests~~
~~24 17 shall be approved or denied not later than sixty days~~
~~24 18 following receipt of the request by the department of economic~~
~~24 19 development,~~ and employer contributions toward program capital
24 20 costs shall be certified and agreed to in the agreement.
24 21 Program capital cost requests shall be approved or denied not
24 22 later than sixty days following receipt of the request by the
24 23 department of economic development.
24 24 Sec. 69. Section 262.30, Code 2011, is amended to read as
24 25 follows:
24 26 262.30 Contracts for ~~training teachers~~ practitioner
24 27 preparation.
24 28 The board of directors of any school district in the state of
24 29 Iowa may enter into contract with the state board of regents
24 30 for furnishing instruction to pupils of such school district,
24 31 and for ~~training teachers~~ practitioner preparation for the
24 32 schools of the state in such particular lines of demonstration
24 33 and instruction as are deemed necessary for the efficiency of
24 34 the university of northern Iowa, state university of Iowa, and
24 35 Iowa state university of science and technology as training



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

25 1 schools for ~~teachers~~ practitioners.

25 2 Sec. 70. Section 263.1, Code 2011, is amended to read as
25 3 follows:

25 4 263.1 Objects ==== departments.

25 5 The university of Iowa shall never be under the control of
25 6 any religious denomination. Its object shall be to provide
25 7 the best and most efficient means of imparting to men and
25 8 women, upon equal terms, a liberal education and thorough
25 9 knowledge of the different branches of literature and the
25 10 arts and sciences, with their varied applications. It shall
25 11 include colleges of liberal arts, law, medicine, and such other
25 12 colleges and departments, with such courses of instruction and
25 13 elective studies as the state board of regents may determine
25 14 from time to time. If a ~~teachers training course~~ practitioner
25 15 preparation program as defined in section 272.1 is established
25 16 by the board, it shall include the subject of physical
25 17 education. Instruction in the liberal arts college shall
25 18 begin, so far as practicable, at the points where the same is
25 19 completed in high schools.

25 20 Sec. 71. Section 263.8, Code 2011, is amended to read as
25 21 follows:

25 22 263.8 Reports ==== tests.

25 23 1. Charges may be assessed for transportation of specimens
25 24 and cost of examination. Reports of epidemiological
25 25 examinations and investigations shall be sent to the
25 26 responsible agency.

25 27 2. In addition to its regular work, the laboratory shall
25 28 perform without charge all bacteriological, serological, and
25 29 epidemiological examinations and investigations which ~~may be~~
~~25 30 are~~ required by rule by the Iowa department of public health
25 31 ~~and said department shall establish rules therefor~~. The
25 32 laboratory shall also provide, those laboratory, scientific
25 33 field measurement, and environmental quality services which, by
25 34 contract, are requested by the other agencies of government.

25 35 3. The laboratory is authorized to perform such other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

26 1 laboratory determinations as may be requested by any state
26 2 institution, citizen, school, municipality or local board
26 3 of health, ~~and the~~. The laboratory is authorized to charge
26 4 fees covering transportation of samples and the costs of
26 5 examinations performed upon their request.

26 6 Sec. 72. Section 266.2, Code 2011, is amended to read as
26 7 follows:

26 8 266.2 Courses of study.

26 9 There shall be adopted and taught at said university of
26 10 science and technology practical courses of study, embracing
26 11 in their leading branches such as relate to agriculture and
26 12 mechanic arts, mines and mining, and ceramics, and such other
26 13 branches as are best calculated to educate thoroughly the
26 14 agricultural and industrial classes in the several pursuits and
26 15 professions of life, including military tactics. If a ~~teachers~~
~~26 16 training course practitioner preparation program as defined in~~
26 17 section 272.1 is established, it shall include the subject of
26 18 physical education.

26 19 Sec. 73. Section 273.11, subsection 1, Code 2011, is amended
26 20 to read as follows:

26 21 1. The state board of education shall develop standards
26 22 and rules for the accreditation of area education agencies ~~by~~
~~26 23 July 1, 1997~~. Standards shall be general in nature, but at a
26 24 minimum shall identify requirements addressing the services
26 25 provided by each division, as well as identifying indicators
26 26 of quality that will permit area education agencies, school
26 27 districts, the department of education, and the general public
26 28 to judge accurately the effectiveness of area education agency
26 29 services.

26 30 Sec. 74. Section 284.1, unnumbered paragraph 1, Code 2011,
26 31 is amended to read as follows:

26 32 A student achievement and teacher quality program is
26 33 established to promote high student achievement. The program
26 34 shall consist of the following ~~five~~ four major elements:

26 35 Sec. 75. Section 284.6, subsection 9, Code 2011, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

27 1 to read as follows:

27 2 9. Moneys received pursuant to section 257.10, subsection
27 3 10, or section 257.37A, subsection 2, shall be maintained as
27 4 a separate listing within ~~its~~ a school district's or area
27 5 education agency's budget for funds received and expenditures
27 6 made pursuant to this subsection. A school district shall
27 7 certify to the department of education how the school
27 8 district allocated the funds and that moneys received under
27 9 this subsection were used to supplement, not supplant, the
27 10 professional development opportunities the school district
27 11 would otherwise make available.

27 12 Sec. 76. Section 301.1, subsection 3, paragraph c, Code
27 13 2011, is amended to read as follows:

27 14 c. Laptop computers or other portable personal computing
27 15 devices which are used for nonreligious instructional ~~use~~
~~27 16~~ purposes only.

27 17 Sec. 77. Section 309.37, subsection 2, Code 2011, is amended
27 18 to read as follows:

27 19 2. An accurate plan and profile of the roads surveyed,
27 20 showing ~~(a) cuts~~ all of the following:

27 21 a. Cuts and fills, ~~(b) outline.~~

27 22 b. Outline of grades, ~~(c) all.~~

27 23 c. All existing permanent bridges, culverts and grades, ~~and~~
~~27 24 (d) proper.~~

27 25 d. Proper bench marks on each bridge and culvert.

27 26 Sec. 78. Section 312.4, subsection 2, Code 2011, is amended
27 27 to read as follows:

27 28 2. The amount of the road use tax fund which the treasurer
27 29 has credited to ~~(a) the~~ following:

27 30 a. The primary road fund, ~~(b) the.~~

27 31 b. The secondary road fund of the counties, ~~(c) the.~~

27 32 c. The farm-to-market road fund, ~~and (d) the.~~

27 33 d. The street fund of the cities.

27 34 Sec. 79. Section 314.28, Code 2011, is amended to read as
27 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

28 1 314.28 Keep Iowa beautiful fund.

28 2 1. A keep Iowa beautiful fund is created in the office
28 3 of the treasurer of state. The fund is composed of moneys
28 4 appropriated or available to and obtained or accepted by the
28 5 treasurer of state for deposit in the fund. ~~The fund shall~~
~~28 6 include moneys transferred to the fund as provided in section~~
~~28 7 422.12A. The fund shall also include moneys transferred to the~~
~~28 8 fund as provided in section 422.12G.~~ All interest earned on
28 9 moneys in the fund shall be credited to and remain in the fund.

28 10 Section 8.33 does not apply to moneys in the fund.

28 11 2. Moneys in the fund that are authorized by the department
28 12 for expenditure are appropriated, and shall be used, to
28 13 educate and encourage Iowans to take greater responsibility
28 14 for improving their community environment and enhancing the
28 15 beauty of the state through litter prevention, improving waste
28 16 management and recycling efforts, and beautification projects.
28 17 3. The department may authorize payment of moneys from the
28 18 fund upon approval of an application from a private or public
28 19 organization. The applicant shall submit a plan for litter
28 20 prevention, improving waste management and recycling efforts,
28 21 or a beautification project along with its application. The
28 22 department shall establish standards relating to the type of
28 23 projects available for assistance.

28 24 Sec. 80. Section 317.1A, subsection 1, paragraphs a and b,
28 25 Code 2011, are amended to read as follows:

28 26 a. Primary noxious weeds, which shall include:

- 28 27 (1) Quack grass ~~(Agropyron)~~ (Elymus repens).
28 28 (2) Perennial sow thistle (Sonchus arvensis).
28 29 (3) Canada thistle (Cirsium arvense).
28 30 (4) Bull thistle (Cirsium lanceolatum) vulgare).
28 31 (5) European morning glory or field bindweed (Convolvulus
28 32 arvensis).
28 33 (6) Horse nettle (Solanum carolinense).
28 34 (7) Leafy spurge (Euphorbia esula).
28 35 (8) Perennial pepper=grass ~~(Lepidium)~~ (Cardaria draba).



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

29 1 (9) Russian knapweed (~~Centaurea~~ Acroptilon repens).
29 2 (10) Buckthorn (Rhamnus spp., not to include Frangula
29 3 alnus, syn. Rhamnus frangula).
29 4 (11) All other species of thistles belonging in the genera
29 5 of Cirsium and Carduus.
29 6 b. Secondary noxious weeds, which shall include:
29 7 (1) Butterprint (Abutilon theophrasti) annual.
29 8 (2) Cocklebur (~~Xanthium commune~~ strumarium) annual.
29 9 (3) Wild mustard (~~Brassica~~ Sinapis arvensis) annual.
29 10 (4) Wild carrot (Daucus carota) biennial.
29 11 (5) Buckhorn (Plantago lanceolata) perennial.
29 12 (6) Sheep sorrel (Rumex acetosella) perennial.
29 13 (7) Sour dock (Rumex crispus) perennial.
29 14 (8) Smooth dock (Rumex altissimus) perennial.
29 15 (9) Poison hemlock (Conium maculatum).
29 16 (10) Multiflora rose (Rosa multiflora).
29 17 (11) Wild sunflower (wild strain of Helianthus annuus annuus
29 18 L.) annual.
29 19 (12) Puncture vine (Tribulus terrestris) annual.
29 20 (13) Teasel (~~Dipsacus~~ Dipsacus spp.) biennial.
29 21 (14) Shattercane (Sorghum bicolor) annual.
29 22 Sec. 81. Section 321.190, subsection 1, paragraph e, Code
29 23 2011, is amended by striking the paragraph.
29 24 Sec. 82. Section 321G.29, subsection 1, Code 2011, is
29 25 amended to read as follows:
29 26 1. The owner of a snowmobile acquired on or after January
29 27 1, 1998, other than a snowmobile used exclusively as a farm
29 28 implement or a snowmobile more than thirty years old registered
29 29 as provided in section 321G.4, subsection 5 4, shall apply to
29 30 the county recorder of the county in which the owner resides
29 31 for a certificate of title for the snowmobile. The owner of
29 32 a snowmobile used exclusively as a farm implement may obtain
29 33 a certificate of title. A person who owns a snowmobile that
29 34 is not required to have a certificate of title may apply
29 35 for and receive a certificate of title for the snowmobile



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

30 1 and, subsequently, the snowmobile shall be subject to the
30 2 requirements of this chapter as if the snowmobile were required
30 3 to be titled. All snowmobiles that are titled shall be
30 4 registered.

30 5 Sec. 83. Section 327H.20A, subsection 3, Code 2011, is
30 6 amended to read as follows:

30 7 3. Notwithstanding any other provision to the contrary,
30 8 on or after July 1, 2006, moneys received as repayments for
30 9 loans made pursuant to this chapter or chapter 327I, Code 2009,
30 10 before, on, or after July 1, 2005, other than repayments of
30 11 federal moneys subject to section 327H.21, shall be credited to
30 12 the railroad revolving loan and grant fund. Notwithstanding
30 13 section 8.33, moneys in the railroad revolving loan and grant
30 14 fund shall not revert to the fund from which ~~it was~~ the moneys
30 15 were appropriated but shall remain available indefinitely for
30 16 expenditure under this section.

30 17 Sec. 84. Section 330.20, Code 2011, is amended to read as
30 18 follows:

30 19 330.20 Appointment of commission ==== terms.

30 20 When a majority of the voters favors airport control and
30 21 management by a commission, the governing body shall, within
30 22 ten days, appoint an airport commission of three or five
30 23 members, each of whom shall be a resident of the city or county
30 24 establishing the commission or a resident of a city or county
30 25 in this state served by the airport. At least two of the
30 26 members of a three=member commission and at least three of the
30 27 members of a five=member commission shall be residents of the
30 28 city or county establishing the commission. The governing
30 29 body shall by ordinance set the commencement dates of office
30 30 and the length of the terms of office which shall be no more
30 31 than six and no less than three years. The terms of the first
30 32 appointees of a newly created commission shall be staggered
30 33 by length of term and all subsequent appointments shall be
30 34 for full terms. Vacancies shall be filled in the same manner
30 35 as original appointments are made. Members of the airport



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

31 1 commission shall serve without compensation. Each commissioner
31 2 shall execute and furnish a bond in an amount fixed by the
31 3 governing body and filed with the city clerk of the city, or
31 4 county auditor of the county, establishing the commission. The
31 5 commission shall elect from its own members a chairperson and a
31 6 secretary who shall serve for a term as the commission shall
31 7 determine.

31 8 Sec. 85. Section 330A.10, subsection 1, Code 2011, is
31 9 amended to read as follows:

31 10 1. Moneys of an authority shall be paid to the treasurer
31 11 of the authority who shall not commingle said moneys with any
31 12 other moneys, but shall deposit them in a separate account or
31 13 accounts. The moneys in said accounts shall be paid out ~~on~~
~~31 14 by check~~ of the treasurer on requisition of the chairperson
31 15 of the authority, or of such other person, or persons, as the
31 16 authority may authorize to make such requisition.

31 17 Sec. 86. Section 331.402, subsection 3, paragraph f, Code
31 18 2011, is amended to read as follows:

31 19 f. A loan agreement to which a county is a party or in
31 20 which a county has a participatory interest is an obligation
31 21 of a political subdivision of this state for the purpose of
31 22 chapters 502 and 636, and is a lawful investment for banks,
31 23 trust companies, ~~building and loan associations~~, savings and
31 24 loan associations, investment companies, insurance companies,
31 25 insurance associations, executors, guardians, trustees, and any
31 26 other fiduciaries responsible for the investment of funds.

31 27 Sec. 87. Section 331.449, Code 2011, is amended to read as
31 28 follows:

31 29 331.449 Prior projects preserved.

31 30 Projects and proceedings for the issuance of general
31 31 obligation bonds commenced before July 1, 1981, may be
31 32 consummated and completed as required or permitted by any
31 33 statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter
31 34 117, as though the repeal or amendment had not occurred, and
31 35 the rights, duties, and interests following from such projects



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

32 1 and proceedings remain valid and enforceable. Projects
32 2 commenced prior to July 1, 1981, may be financed by the
32 3 issuance of general obligation bonds under any such amended
32 4 or repealed law or by the issuance of general obligation
32 5 bonds under this part. For the purposes of this section,
32 6 commencement of a project includes but is not limited to
32 7 action taken by the board or an authorized officer to fix a
32 8 date for a hearing in connection with any part of the project,
32 9 and commencement of proceedings for the issuance of general
32 10 obligation bonds includes but is not limited to action taken
32 11 by the board to fix a date for either a hearing or a sale in
32 12 connection with any part of the general obligation bonds, or to
32 13 order any part thereof to be issued.
32 14 Sec. 88. Section 331.470, Code 2011, is amended to read as
32 15 follows:
32 16 331.470 Prior projects preserved.
32 17 Projects and proceedings for the issuance of revenue bonds,
32 18 pledge orders, and other temporary obligations, commenced
32 19 before July 1, 1981 may be completed as required or permitted
32 20 by any statute amended or repealed by ~~this Act~~ 1981 Iowa
32 21 Acts, chapter 117, as though the amendment or repeal had not
32 22 occurred, and the rights, duties, and interests resulting from
32 23 the projects and proceedings remain valid and enforceable.
32 24 Projects commenced prior to July 1, 1981, may be financed
32 25 by the issuance of revenue bonds, pledge orders, and other
32 26 temporary obligations under any such amended or repealed law or
32 27 by the issuance of revenue bonds and pledge orders under this
32 28 part. For purposes of this section, commencement of a project
32 29 includes but is not limited to action taken by the board or
32 30 an authorized officer to fix a date for either a hearing or
32 31 an election in connection with any part of the project, and
32 32 commencement of proceedings for the issuance of revenue bonds,
32 33 pledge orders, and other temporary obligations includes, but
32 34 is not limited to, action taken by the board to fix a date for
32 35 either a hearing or a sale in connection with any part of such



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

33 1 revenue bonds, pledge orders, or other temporary obligations or
33 2 to order any part thereof to be issued.

33 3 Sec. 89. Section 357I.2, subsection 3, Code 2011, is amended
33 4 to read as follows:

33 5 3. If part or all of the proposed district lies within
33 6 two miles of the boundaries of a city, the board shall send a
33 7 copy of the petition to each such city before scheduling the
33 8 public hearing on the petition. A city that receives a copy of
33 9 the petition may require that any road or street improvements
33 10 and associated drainage improvements constructed within the
33 11 district after establishment of the district be constructed
33 12 in compliance with requirements for such improvements then in
33 13 effect within the city. The city shall notify the board of the
33 14 city's response to the petition within thirty days of receiving
33 15 the petition. If the city wants requirements for road or
33 16 street improvements and associated drainage improvements
33 17 then in effect within the city to apply within the district,
33 18 the requirements shall be included in the resolution of the
33 19 board establishing the district and shall be incorporated into
33 20 the plans and specifications for the improvements prepared
33 21 by the district engineer or county engineer. The plans and
33 22 specifications shall be subject to approval by the board and
33 23 by the city council of each affected city, which approval
33 24 must occur before commencement of construction. If costs for
33 25 construction of improvements according to a city's standards
33 26 exceed the costs for such construction according to county
33 27 standards, the ~~petitioner~~ petitioners shall pay the difference
33 28 in the costs.

33 29 Sec. 90. Section 360.9, subsection 5, Code 2011, is amended
33 30 to read as follows:

33 31 5. Subject to the right of reversion to the present owner
33 32 as ~~above~~ provided in this section, the township trustees may
33 33 sell, lease, exchange, give, or grant and accept any interest
33 34 in real property to, with, or from any county, municipal
33 35 corporation, or school district if the real property is within



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

34 1 the jurisdiction of both the grantor and grantee and the
34 2 advertising and public auction requirements of this section
34 3 shall not apply to any such transaction between the aforesaid
34 4 local units of government.

34 5 Sec. 91. Section 403.11, Code 2011, is amended to read as
34 6 follows:

34 7 403.11 Exemptions from legal process.

34 8 1. All property of a municipality, including funds, owned
34 9 or held by it for the purposes of this chapter shall be exempt
34 10 from levy and sale by virtue of an execution; ~~and no execution.~~
34 11 Execution or other judicial process shall not issue against the
34 12 same; nor shall property and a judgment against a municipality
34 13 shall not be a charge or lien upon such property: ~~Provided,~~
~~34 14 however, that.~~ However, the provisions of this section shall
34 15 not apply to or limit the right of obligees to pursue any
34 16 remedies for the enforcement of any pledge or lien given
34 17 pursuant to this chapter by a municipality on its rents, fees,
34 18 grants or revenues from urban renewal projects.

34 19 2. The property of a municipality, acquired or held for the
34 20 purposes of this chapter, is declared to be public property
34 21 used for essential public and governmental purposes, and such
34 22 property shall be exempt from all taxes of the municipality,
34 23 the county, the state, or any political subdivision
34 24 thereof: ~~Provided, that.~~ However, such tax exemption shall
34 25 terminate when the municipality sells, leases or otherwise
34 26 disposes of such property in an urban renewal area to a
34 27 purchaser or lessee which is not a public body entitled to tax
34 28 exemption with respect to such property.

34 29 Sec. 92. Section 403A.2, subsection 8, Code 2011, is amended
34 30 to read as follows:

34 31 8. a. "Housing project" or "project" means any work or
34 32 undertaking: ~~(a) to do any of the following:~~

34 33 (1) To demolish, clear or remove buildings from any slum
34 34 areas; or (b) to.

34 35 (2) To provide decent, safe and sanitary urban or rural



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

35 1 dwellings, apartments or other living accommodations for
35 2 families of low income, lower-income families, or very
35 3 low-income families; ~~or (c) to.~~

35 4 (3) To accomplish a combination of the foregoing.

35 5 b. Such work or undertaking may include buildings, land,
35 6 equipment, facilities and other real or personal property for
35 7 necessary, convenient or desirable appurtenances, streets,
35 8 sewers, water service, utilities, parks, site preparation,
35 9 landscaping, administrative, community, health, recreational,
35 10 welfare or other purposes.

35 11 c. The term "housing project" or "project" also may be
35 12 applied to the planning of the buildings and improvements, the
35 13 acquisition of property, the demolition of existing structures,
35 14 the construction, reconstruction, alteration or repair of the
35 15 improvements and all other work in connection therewith, and
35 16 the term shall include all other real and personal property and
35 17 all tangible or intangible assets held or used in connection
35 18 with the housing project.

35 19 Sec. 93. Section 404A.4, subsection 2, paragraph d, Code
35 20 2011, is amended to read as follows:

35 21 d. For the fiscal year beginning July 1, 2012, and for each
35 22 fiscal year thereafter, the ~~department~~ office shall reserve not
35 23 more than forty-five million dollars worth of tax credits for
35 24 any one taxable year.

35 25 Sec. 94. Section 411.38, subsection 3, Code 2011, is amended
35 26 to read as follows:

35 27 3. As used in this section, unless the context otherwise
35 28 requires, "alternative assumptions" means that the interest
35 29 rate earned on investments of moneys in the fire and police
35 30 retirement fund would be seven percent and that the state would
35 31 not contribute to the fund under ~~sections~~ section 411.8 and
35 32 section 411.20, Code 2009, after January 1, 1992, and "proposed
35 33 assumptions" means that the interest rate earned on investments
35 34 of moneys in the fire and police retirement fund would be seven
35 35 and one-half percent and the state will pay contributions as



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

36 1 provided pursuant to ~~sections~~ section 411.8 and section 411.20,
36 2 Code 2009, after January 1, 1992. These assumptions are to be
36 3 used solely for the purposes of this section, and shall not
36 4 impact upon decisions of the board of trustees concerning the
36 5 assumption of the interest rate earned on investments, or the
36 6 contributions by the state as provided for in ~~sections~~ section
36 7 411.8 and section 411.20, Code 2009.
36 8 Sec. 95. Section 419.11, Code 2011, is amended to read as
36 9 follows:
36 10 419.11 Tax equivalent to be paid ==== assessment procedure ====
36 11 appeal.
36 12 1. a. Any municipality acquiring, purchasing, constructing,
36 13 reconstructing, improving, or extending any industrial
36 14 buildings, buildings used as headquarters facilities or
36 15 pollution control facilities, as provided in this chapter,
36 16 shall annually pay out of the revenue from such industrial
36 17 buildings, buildings used as headquarters facilities or
36 18 pollution control facilities to the state of Iowa and to the
36 19 city, school district, and any other political subdivision,
36 20 authorized to levy taxes, a sum equal to the amount of tax,
36 21 determined by applying the tax rate of the taxing district to
36 22 the assessed value of the property, which the state, county,
36 23 city, school district, or other political subdivision would
36 24 receive if the property were owned by any private person or
36 25 corporation, any other statute to the contrary notwithstanding.
36 26 b. For purposes of arriving at such tax equivalent, the
36 27 property shall be valued and assessed by the assessor in whose
36 28 jurisdiction the property is located, in accordance with
36 29 chapter 441, but the municipality, the lessee on behalf of
36 30 the municipality, and such other persons as are authorized
36 31 by chapter 441 shall be entitled to protest any assessment
36 32 and take appeals in the same manner as any taxpayer. Such
36 33 valuations shall be included in any summation of valuations in
36 34 the taxing district for all purposes known to the law. Income
36 35 from this source shall be considered under the provisions of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

37 1 section 384.16, subsection 1, paragraph "a", subparagraph (2).
37 2 2. If and to the extent the proceedings under which
37 3 the bonds authorized to be issued under the provisions
37 4 of this chapter so provide, the municipality may agree to
37 5 cooperate with the lessee of a project in connection with
37 6 any administrative or judicial proceedings for determining
37 7 the validity or amount of any such payments and may agree to
37 8 appoint or designate and reserve the right in and for such
37 9 lessee to take all action which the municipality may lawfully
37 10 take in respect of such payments and all matters relating
37 11 thereto, provided, however, that such lessee shall bear and pay
37 12 all costs and expenses of the municipality thereby incurred
37 13 at the request of such lessee or by reason of any such action
37 14 taken by such lessee in behalf of the municipality. Any lessee
37 15 of a project which has paid, as rentals additional to those
37 16 required to be paid pursuant to section 419.5, the amounts
37 17 required by ~~the first sentence of this section~~ subsection 1,
37 18 paragraph "a", to be paid by the municipality shall not be
37 19 required to pay any such taxes to the state or to any such
37 20 county, city, school district or other political subdivision,
37 21 any other statute to the contrary notwithstanding. To the
37 22 extent that any lessee or contracting party pays taxes on a
37 23 project or part thereof, the municipality shall not be required
37 24 to pay the tax equivalent herein provided, and to such extent
37 25 the lessee or contracting party shall not be required to pay
37 26 amounts to the municipality for such purpose.
37 27 3. This section shall not be applicable to any municipality
37 28 acquiring, purchasing, constructing, reconstructing, improving,
37 29 or extending any buildings for the purpose of establishing,
37 30 maintaining, or assisting any private or state of Iowa college
37 31 or university, nor to any municipality in connection with any
37 32 project for the benefit of a voluntary nonprofit hospital,
37 33 clinic, or health care facility, the property of which is
37 34 otherwise exempt under the provisions of chapter 427. The
37 35 payment, collection, and apportionment of the tax equivalent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

38 1 shall be subject to the provisions of chapters 445, 446 and
38 2 447.
38 3 Sec. 96. Section 420.207, Code 2011, is amended to read as
38 4 follows:
38 5 420.207 Taxation in general.
38 6 Sections 426A.11 through 426A.15, 427.1, 427.8 to 427.11,
38 7 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1
38 8 to 443.3, 444.2 ~~to 444.5~~ through 444.4, and 447.9 to 447.13,
38 9 so far as applicable, apply to cities acting under special
38 10 charters.
38 11 Sec. 97. Section 420.241, Code 2011, is amended to read as
38 12 follows:
38 13 420.241 Deed ==== when executed.
38 14 Immediately after the expiration of ninety days from the
38 15 date of service of the notice, as prescribed by sections 447.9
38 16 ~~to~~ through 447.14 and section 448.1, the treasurer, collector,
38 17 or person authorized to act as collector of taxes, shall make
38 18 out a deed for each lot or parcel of land sold and remaining
38 19 unredeemed and deliver the same to the purchaser upon the
38 20 return of the certificate of purchase.
38 21 Sec. 98. Section 422.1, Code 2011, is amended to read as
38 22 follows:
38 23 422.1 Classification of chapter.
38 24 The provisions of this chapter are herein classified and
38 25 designated as follows:
38 26 1. Division I Introductory provisions.
38 27 2. Division II Personal net income tax.
38 28 3. Division III Business tax on corporations.
38 29 4. Division IV Repealed by 2003 Acts,
38 30 1st Ex., ch. 2, { 151, 205;
38 31 see chapter 423.
38 32 5. Division V Taxation of financial
38 33 institutions.
38 34 6. Division VI Administration.
38 35 7. Division VII Estimated taxes by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

39 1 corporations and
39 2 financial institutions.
39 3 8. Division VIII Allocation of revenues.
39 4 9. Division IX Fuel tax credit.
39 5 10. Division X ~~Livestock production~~
39 6 ~~tax credit~~
39 7 Repealed by 2009 Acts,
39 8 ch. 179, { 152, 153.
39 9 Sec. 99. Section 422.33, subsection 9, paragraph b, Code
39 10 2011, is amended to read as follows:
39 11 b. To receive the assistive device tax credit, the eligible
39 12 small business must submit an application to the department
39 13 of economic development. If the taxpayer meets the criteria
39 14 for eligibility, the department of economic development shall
39 15 issue to the taxpayer a certification of entitlement for the
39 16 assistive device tax credit. However, the combined amount of
39 17 tax credits that may be approved for a fiscal year under this
39 18 subsection ~~and section 422.11E~~ shall not exceed five hundred
39 19 thousand dollars. Tax credit certificates shall be issued
39 20 on an earliest filed basis. The certification shall contain
39 21 the taxpayer's name, address, tax identification number, the
39 22 amount of the credit, and tax year for which the certificate
39 23 applies. The taxpayer must file the tax credit certificate
39 24 with the taxpayer's corporate income tax return in order to
39 25 claim the tax credit. The departments of economic development
39 26 and revenue shall each adopt rules to jointly administer this
39 27 subsection and shall provide by rule for the method to be
39 28 used to determine for which fiscal year the tax credits are
39 29 approved.
39 30 Sec. 100. Section 424.2, subsections 6, 10, and 13, Code
39 31 2011, are amended to read as follows:
39 32 6. "Depositor" means the person who deposits petroleum into
39 33 an underground storage tank subject to regulation under chapter
39 34 455G or an aboveground ~~petroleum~~ flammable or combustible
39 35 liquid storage tank as defined in section 101.21, located at



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

40 1 a retail motor ~~vehicle~~ fuel outlet if the aboveground storage
40 2 tank is physically connected directly to pumps which dispense
40 3 petroleum that is sold at the motor ~~vehicle~~ fuel outlet on a
40 4 retail basis.

40 5 10. "Owner or operator" means "owner or operator" of an
40 6 underground storage tank as used in chapter 455G or the
40 7 "owner" or "operator" of an aboveground ~~petroleum~~ flammable
40 8 or combustible liquid storage tank as defined in section
40 9 101.21, located at a retail motor ~~vehicle~~ fuel outlet if the
40 10 aboveground storage tank is physically connected directly
40 11 to pumps which dispense petroleum that is sold at the motor
40 12 ~~vehicle~~ fuel outlet on a retail basis.

40 13 13. "Tank" means an underground storage tank subject to
40 14 regulation under chapter 455G or an aboveground ~~petroleum~~
~~40 15 flammable or combustible liquid storage tank as defined in~~
40 16 section 101.21, located at a retail motor ~~vehicle~~ fuel outlet
40 17 if the aboveground storage tank is physically connected
40 18 directly to pumps which dispense petroleum that is sold at the
40 19 motor ~~vehicle~~ fuel outlet on a retail basis.

40 20 Sec. 101. Section 441.8, Code 2011, is amended to read as
40 21 follows:

40 22 441.8 Term ==== continuing education ==== filling vacancy.

40 23 1. The term of office of an assessor appointed under
40 24 this chapter shall be for six years. Appointments for
40 25 each succeeding term shall be made in the same manner as
40 26 the original appointment except that not less than ninety
40 27 days before the expiration of the term of the assessor the
40 28 conference board shall hold a meeting to determine whether or
40 29 not it desires to reappoint the incumbent assessor to a new
40 30 term. The conference board shall have the power to reappoint
40 31 the incumbent assessor only if the incumbent assessor has
40 32 satisfactorily completed the continuing education program
40 33 provided for in this section. If the decision is made not to
40 34 reappoint the assessor, the assessor shall be notified, in
40 35 writing, of such decision not less than ninety days prior to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

41 1 the expiration of the assessor's term of office. Failure of
41 2 the conference board to provide timely notification of the
41 3 decision not to reappoint the assessor shall result in the
41 4 assessor being reappointed.

~~41 5 Effective January 1, 1980, the conference board shall have~~
~~41 6 the power to reappoint the incumbent assessor only if the~~
~~41 7 incumbent assessor has satisfactorily completed the continuing~~
~~41 8 education program provided for in this section.~~

41 9 2. a. The director of revenue shall develop and administer
41 10 a program of continuing education which shall emphasize
41 11 assessment and appraisal procedures, and the assessment laws
41 12 of this state, and which shall include the subject matter
41 13 specified in section 441.5.

41 14 b. The director of revenue shall establish, designate,
41 15 or approve courses, workshops, seminars, or symposiums to
41 16 be offered as part of the continuing education program, the
41 17 content of these courses, workshops, seminars, or symposiums
41 18 and the number of hours of classroom instruction for each.
41 19 The director of revenue may provide that no more than thirty
41 20 hours of tested credit may be received for the submission of
41 21 a narrative appraisal approved by a professional appraisal
41 22 society designated by the director. At least once each year
41 23 the director of revenue shall evaluate the continuing education
41 24 program and make necessary changes in the program.

41 25 3. Upon the successful completion of courses, workshops,
41 26 seminars, a narrative appraisal or symposiums contained in the
41 27 program of continuing education, as demonstrated by attendance
41 28 at sessions of the courses, workshops, seminars or symposiums
41 29 and, in the case of a course designated by the director of
41 30 revenue, attaining a grade of at least seventy percent on an
41 31 examination administered at the conclusion of the course,
41 32 or the submission of proof that a narrative appraisal has
41 33 been approved by a professional appraisal society designated
41 34 by the director of revenue the assessor or deputy assessor
41 35 shall receive credit equal to the number of hours of classroom



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

42 1 instruction contained in those courses, workshops, seminars, or
42 2 symposiums or the number of hours of credit specified by the
42 3 director of revenue for a narrative appraisal. An assessor or
42 4 deputy assessor shall not be allowed to obtain credit for a
42 5 course, workshop, seminar, or symposium for which the assessor
42 6 or deputy assessor has previously received credit during
42 7 the current term or appointment except for those courses,
42 8 workshops, seminars, or symposiums designated by the director
42 9 of revenue. Only one narrative appraisal may be approved for
42 10 credit during the assessor's or deputy assessor's current term
42 11 or appointment and credit shall not be allowed for a narrative
42 12 appraisal approved by a professional appraisal society prior to
42 13 the beginning of the assessor's or deputy assessor's current
42 14 term or appointment. The examinations shall be confidential,
42 15 except that the director of revenue and persons designated by
42 16 the director may have access to the examinations.

42 17 4. Upon receiving credit equal to one hundred fifty hours
42 18 of classroom instruction during the assessor's current term
42 19 of office of which at least ninety of the one hundred fifty
42 20 hours are from courses requiring an examination upon conclusion
42 21 of the course, the director of revenue shall certify to the
42 22 assessor's conference board that the assessor is eligible to
42 23 be reappointed to the position. For persons appointed to
42 24 complete an unexpired term, the number of credits required to
42 25 be certified as eligible for reappointment shall be prorated
42 26 according to the amount of time remaining in the present term
42 27 of the assessor. If the person was an assessor in another
42 28 jurisdiction, the assessor may carry forward any credit hours
42 29 received in the previous position in excess of the number that
42 30 would be necessary to be considered current in that position.
42 31 Upon written request by the person seeking a waiver of the
42 32 continuing education requirements, the director may waive the
42 33 continuing education requirements if the director determines
42 34 good cause exists for the waiver.

42 35 5. Within each six-year period following the appointment



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

43 1 of a deputy assessor, the deputy assessor shall comply with
43 2 this section except that upon the successful completion of
43 3 ninety hours of classroom instruction of which at least sixty
43 4 of the ninety hours are from courses requiring an examination
43 5 upon conclusion of the course, the deputy assessor shall be
43 6 certified by the director of revenue as being eligible to
43 7 remain in the position. If a deputy assessor fails to comply
43 8 with this section, the deputy assessor shall be removed from
43 9 the position until successful completion of the required hours
43 10 of credit. If a deputy is appointed to the office of assessor,
43 11 the hours of credit obtained as deputy pursuant to this section
43 12 shall be credited to that individual as assessor and for the
43 13 individual to be reappointed at the expiration of the term
43 14 as assessor, that individual must obtain the credits which
43 15 are necessary to total the number of hours for reappointment.
43 16 Upon written request by the person seeking a waiver of the
43 17 continuing education requirements, the director may waive the
43 18 continuing education requirements if the director determines
43 19 good cause exists for the waiver.
43 20 6. Each conference board shall include in the budget for the
43 21 operation of the assessor's office funds sufficient to enable
43 22 the assessor and any deputy assessor to obtain certification
43 23 as provided in this section. The conference board shall also
43 24 allow the assessor and any deputy assessor sufficient time
43 25 off from their regular duties to obtain certification. The
43 26 director of revenue shall adopt rules pursuant to chapter 17A
43 27 to implement and administer this section.
43 28 7. If the incumbent assessor is not reappointed as ~~above~~
43 29 provided in this section, then not less than sixty days before
43 30 the expiration of the term of said assessor, a new assessor
43 31 shall be selected as provided in section 441.6.
43 32 8. In the event of the removal, resignation, death, or
43 33 removal from the county of the said assessor, the conference
43 34 board shall proceed to fill the vacancy by appointing an
43 35 assessor to serve the unexpired term in the manner provided in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

44 1 section 441.6. Until the vacancy is filled, the chief deputy
44 2 shall act as assessor, and in the event there be no deputy, in
44 3 the case of counties the auditor shall act as assessor and in
44 4 the case of cities having an assessor the city clerk shall act
44 5 as assessor.
44 6 Sec. 102. Section 450.10, subsections 1, 2, 3, and 4, Code
44 7 2011, are amended to read as follows:
44 8 1. When the property or any interest in property, or
44 9 income from property, taxable under the provisions of this
44 10 chapter, passes to the brother or sister, son=in=law, or
44 11 daughter=in=law, the rate of tax imposed on the individual
44 12 share so passing shall be as follows:
44 13 a. Five percent on any amount up to twelve thousand five
44 14 hundred dollars.
44 15 b. Six percent on any amount in excess of twelve thousand
44 16 five hundred dollars and up to twenty=five thousand dollars.
44 17 c. Seven percent on any amount in excess of twenty=five
44 18 thousand dollars and up to seventy=five thousand dollars.
44 19 d. Eight percent on any amount in excess of seventy=five
44 20 thousand dollars and up to one hundred thousand dollars.
44 21 e. Nine percent on any amount in excess of one hundred
44 22 thousand dollars and up to one hundred fifty thousand dollars.
44 23 f. Ten percent on all sums in excess of one hundred fifty
44 24 thousand dollars.
44 25 2. When the property or interest in property or income from
44 26 property, taxable under this chapter, passes to a person not
44 27 included in subsections 1 and 6, the rate of tax imposed on the
44 28 individual share so passing shall be as follows:
44 29 a. Ten percent on any amount up to fifty thousand dollars.
44 30 b. Twelve percent on any amount in excess of fifty thousand
44 31 dollars and up to one hundred thousand dollars.
44 32 c. Fifteen percent on all sums in excess of one hundred
44 33 thousand dollars.
44 34 3. When the property or any interest ~~therein~~ in property or
44 35 income ~~therefrom~~ from property, taxable under the provisions of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

45 1 this chapter, passes in any manner to societies, institutions
45 2 or associations incorporated or organized under the laws of
45 3 any other state, territory, province or country than this
45 4 state, for charitable, educational or religious purposes, or to
45 5 cemetery associations, including humane societies not organized
45 6 under the laws of this state, or to resident trustees for
45 7 uses without this state, the rate of tax imposed shall be ~~as~~
~~45 8 follows: ten percent on the entire amount so passing.~~
45 9 ~~Ten percent on the entire amount so passing.~~
45 10 4. When the property or any interest in property or income
45 11 from property, taxable under this chapter, passes to any
45 12 firm, corporation, or society organized for profit, including
45 13 fraternal and social organizations which do not qualify for
45 14 exemption under sections 170(c) and 2055 of the Internal
45 15 Revenue Code, the rate of tax imposed shall be ~~as follows:~~
~~45 16 fifteen percent on the entire amount so passing.~~
45 17 ~~Fifteen percent on the entire amount so passing.~~
45 18 Sec. 103. Section 452A.74, Code 2011, is amended to read as
45 19 follows:
45 20 452A.74 Unlawful acts ==== penalty.
45 21 1. It shall be unlawful:
45 22 ~~1.~~ a. For any person to knowingly fail, neglect, or refuse
45 23 to make any required return or statement or pay over fuel taxes
45 24 required under this chapter.
45 25 ~~2.~~ b. For any person to knowingly make any false,
45 26 incorrect, or materially incomplete record required to be
45 27 kept or made under this chapter, to refuse to offer required
45 28 books and records to the department of revenue or the state
45 29 department of transportation for inspection on demand or
45 30 to refuse to permit the department of revenue or the state
45 31 department of transportation to examine the person's motor fuel
45 32 or undyed special fuel storage tanks and handling or dispensing
45 33 equipment.
45 34 ~~3.~~ c. For any seller to issue or any purchaser to receive
45 35 and retain any incorrect or false invoice or sales ticket in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

46 1 connection with the sale or purchase of motor fuel or undyed
46 2 special fuel.

46 3 ~~4.~~ d. For any claimant to alter any invoice or sales
46 4 ticket, whether the invoice or sales ticket is to be used
46 5 to support a claim for refund or income tax credit or
46 6 not, provided, however, if a claimant's refund permit has
46 7 been revoked for cause as provided in section 452A.19, the
46 8 revocation shall serve as a bar to prosecution for violation
46 9 of this ~~subsection~~ paragraph.

46 10 ~~5.~~ e. For any person to act as a supplier, restrictive
46 11 supplier, importer, exporter, blender, or compressed natural
46 12 gas or liquefied petroleum gas dealer or user without the
46 13 required license.

46 14 ~~6.~~ f. For any person to use motor fuel, undyed special
46 15 fuel, or dyed special fuel in the fuel supply tank of a vehicle
46 16 with respect to which the person knowingly has not paid or had
46 17 charged to the person's account with a distributor or dealer,
46 18 or with respect to which the person does not, within the time
46 19 required in this chapter, report and pay the applicable fuel
46 20 tax.

46 21 ~~7.~~ g. For any licensed compressed natural gas or liquefied
46 22 petroleum gas dealer or user to dispense compressed natural gas
46 23 or liquefied petroleum gas into the fuel supply tank of any
46 24 motor vehicle without collecting the fuel tax.

46 25 ~~8.~~ 2. Any delivery of compressed natural gas or liquefied
46 26 petroleum gas to a compressed natural gas or liquefied
46 27 petroleum gas dealer or user for the purpose of evading the
46 28 state tax on compressed natural gas or liquefied petroleum
46 29 gas, into facilities other than those licensed above knowing
46 30 that the fuel will be used for highway use shall constitute
46 31 a violation of this section. Any compressed natural gas or
46 32 liquefied petroleum gas dealer or user for purposes of evading
46 33 the state tax on compressed natural gas or liquefied petroleum
46 34 gas, who allows a distributor to place compressed natural gas
46 35 or liquefied petroleum gas for highway use in facilities other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

47 1 than those licensed above, shall also be deemed in violation of
47 2 this section.

47 3 3. A person found guilty of an offense specified in this
47 4 section is guilty of a fraudulent practice. Prosecution for an
47 5 offense specified in this section shall be commenced within six
47 6 years following ~~its~~ the date of commission of the offense.

47 7 Sec. 104. Section 455D.11C, subsection 1, Code 2011, is
47 8 amended to read as follows:

47 9 1. A waste tire management fund is created within the state
47 10 treasury. ~~For the fiscal year beginning July 1, 2002, through~~
~~47 11 the fiscal year beginning July 1, 2006, moneys received from~~
~~47 12 each five dollar surcharge on the issuance of a certificate of~~
~~47 13 title shall be deposited as provided in section 321.52A, Code~~
~~47 14 2007.~~ Notwithstanding section 8.33, any unexpended balance in
47 15 the fund at the end of each fiscal year shall be retained in the
47 16 fund. Notwithstanding section 12C.7, any interest or earnings
47 17 on investments from moneys in the fund shall be credited to the
47 18 fund. Moneys from the fund that are expended by the department
47 19 in closing or bringing into compliance a waste tire collection
47 20 site pursuant to section 455D.11A and later recouped by the
47 21 department shall be credited to the fund.

47 22 Sec. 105. Section 455G.31, subsection 1, Code 2011, is
47 23 amended to read as follows:

47 24 1. a. As used in this section, unless the context otherwise
47 25 requires:

47 26 ~~a.~~ (1) "Dispenser" includes a motor fuel pump, including
47 27 but not limited to a motor fuel blender pump.

47 28 ~~b.~~ (2) "E=85 gasoline", "ethanol blended gasoline", and
47 29 "retail dealer" mean the same as defined in section 214A.1.

47 30 ~~c.~~ (3) "Gasoline storage and dispensing infrastructure"
47 31 means any storage tank located below ground or above ground
47 32 and any associated equipment including but not limited to a
47 33 pipe, hose, connection, fitting seal, or motor fuel pump, which
47 34 is used to store, measure, and dispense gasoline by a retail
47 35 dealer.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

48 1 ~~d. Ethanol blended gasoline shall be designated in the same~~
48 2 ~~manner as provided in section 214A.2.~~

48 3 ~~e. (4)~~ "Motor fuel pump" means the same as defined in
48 4 section 214.1.

48 5 b. Ethanol blended gasoline shall be designated in the same
48 6 manner as provided in section 214A.2.

48 7 Sec. 106. Section 455J.6, subsection 4, Code 2011, is
48 8 amended to read as follows:

48 9 4. A majority of voting members shall not include any member
48 10 who has a conflict of interest. A statement by a member that
48 11 the member has a conflict of interest is conclusive for this
48 12 purpose. A vacancy in the membership does not ~~impair~~ prevent
48 13 the council from performing the duties of the council.

48 14 Sec. 107. Section 461A.57, Code 2011, is amended to read as
48 15 follows:

48 16 461A.57 Penalties.

48 17 ~~Any~~ Unless otherwise provided, any person violating any of
48 18 the provisions of sections 461A.35 to 461A.56 is guilty of a
48 19 simple misdemeanor.

48 20 Sec. 108. Section 461A.76, Code 2011, is amended to read as
48 21 follows:

48 22 461A.76 Contracts with local authorities.

48 23 1. ~~Anything~~ Notwithstanding anything in chapter 468,
48 24 subchapter I, parts 1 through 5, to the contrary, county boards
48 25 of supervisors and trustees having control of any levee or
48 26 drainage district established thereunder, including joint
48 27 levee or drainage districts, may enter into contracts and
48 28 agreements with municipalities or corporations authorized to
48 29 establish water recreational areas under the provisions of this
48 30 division. Such contracts or agreements shall be in writing
48 31 and may be made prior to or after the establishment of a water
48 32 recreational area. If made prior to the establishment of a
48 33 water recreational area they may be made conditional upon the
48 34 final establishment of such area and if conditional upon such
48 35 final establishment may be entered into prior to the hearing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

49 1 provided for in section 461A.63.
49 2 2. Such contracts or agreements may embrace any of the
49 3 following subjects:
49 4 ~~1.~~ a. For the impoundment of drainage waters to create
49 5 artificial lakes or ponds.
49 6 ~~2.~~ b. For compensation to drainage districts for drainage
49 7 improvements destroyed or rendered useless by the establishment
49 8 of water recreational areas and the structures, waters or works
49 9 thereof.
49 10 ~~3.~~ c. For the diversion of waters from established drainage
49 11 ditches or tile drains to other channels.
49 12 ~~4.~~ d. For sanitary measures and precautions.
49 13 ~~5.~~ e. For the control of water levels in lakes, ponds or
49 14 impoundments of water to avoid damage to or malfunction of
49 15 drainage facilities.
49 16 ~~6.~~ f. For the construction of additional drainage
49 17 facilities promoting the interests of either or both of the
49 18 contracting parties.
49 19 ~~7.~~ g. For the granting of easements or licenses by one
49 20 party to the other.
49 21 ~~8.~~ h. For the payment of money by one contracting party to
49 22 the other in consideration of acts or performance of the other
49 23 party required by such contract or agreement.
49 24 3. When any expenditure of levee or drainage district
49 25 funds is proposed by the authority contained in this section
49 26 and where the estimated expenditure will exceed fifty percent
49 27 of the original total cost of the district and subsequent
49 28 improvements therein as defined by section 468.126, the same
49 29 procedure respecting notice and hearing shall be followed as is
49 30 provided in said section 468.126, for repair proposals where
49 31 the estimated cost of the repair exceeds fifty percent of the
49 32 original total cost of the district and subsequent improvements
49 33 therein.
49 34 Sec. 109. Section 465B.2, Code 2011, is amended to read as
49 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

50 1 465B.2 Statewide trails development program.
50 2 1. The state department of transportation shall undertake
50 3 the following ~~programs~~ actions to establish a program to meet
50 4 the objective stated in section 465B.1:
50 5 ~~1.~~ a. Prepare a long-range plan for the acquisition,
50 6 development, promotion, and management of recreation trails
50 7 throughout the state. The plan shall identify needs and
50 8 opportunities for recreation trails of different kinds having
50 9 national, statewide, regional, and multicounty importance.
50 10 Recommendations in the plan shall include but not be limited
50 11 to:
50 12 ~~a.~~ (1) Specific acquisition needs and opportunities for
50 13 different types of trails.
50 14 ~~b.~~ (2) Development needs including trail surfacing,
50 15 restrooms, shelters, parking, and other needed facilities.
50 16 ~~c.~~ (3) Promotional programs which will encourage Iowans and
50 17 state visitors to increase use of trails.
50 18 ~~d.~~ (4) Management activities including maintenance,
50 19 enforcement of rules, and replacement needs.
50 20 ~~e.~~ (5) Funding levels needed to accomplish the statewide
50 21 trails objectives.
50 22 ~~f.~~ (6) Ways in which trails can be more fully incorporated
50 23 with parks, cultural sites, and natural resource sites.
50 24 ~~2.~~ b. ~~The~~ Include, within the plan ~~shall recommend,~~
50 25 recommendations for standards for establishing functional
50 26 classifications for all types of recreation trails as well as
50 27 a system for determining jurisdictional control over trails.
50 28 Levels of jurisdiction may be vested in the state, counties,
50 29 cities, and private organizations.
50 30 ~~3.2.~~ a. The state department of transportation may enter
50 31 into contracts for the preparation of the trails plan. The
50 32 department shall involve the department of natural resources,
50 33 the Iowa department of economic development, and the department
50 34 of cultural affairs in the preparation of the plan. The
50 35 recommendations and comments of organizations representing



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

51 1 different types of trail users and others with interests in
51 2 this program shall also be incorporated in the preparation
51 3 of the trails plan and shall be submitted with the plan to
51 4 the general assembly. The plan shall be submitted to the
51 5 general assembly no later than January 15, 1988. Existing
51 6 trail projects involving acquisition or development may receive
51 7 funding prior to the completion of the trails plan.
51 8 b. The department shall give priority to funding the
51 9 acquisition and development of trail portions which will
51 10 complete segments of existing trails. The department shall
51 11 give preference to the acquisition of trail routes which use
51 12 existing or abandoned railroad right-of-ways, river valleys,
51 13 and natural greenbelts. Multiple recreational use of routes
51 14 for trails, other forms of transportation, utilities, and other
51 15 uses compatible with trails shall be given priority.
51 16 c. The department may acquire property by negotiated
51 17 purchase and hold title to property for development of trails.
51 18 The department may enter into agreements with other state
51 19 agencies, political subdivisions of the state, and private
51 20 organizations for the planning, acquisition, development,
51 21 promotion, management, operations, and maintenance of
51 22 recreation trails.
51 23 3. The department may adopt rules under chapter 17A to carry
51 24 out a trails program.
51 25 Sec. 110. Section 481A.19, subsection 1, paragraph a, Code
51 26 2011, is amended to read as follows:
51 27 a. Any person licensed by the authority of Illinois,
51 28 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to
51 29 take fish, game, mussels, or fur-bearing animals from or in
51 30 the waters forming the boundary between such state and Iowa,
51 31 may take such fish, game, mussels, or fur-bearing animals
51 32 from that portion of said waters lying within the territorial
51 33 jurisdiction of this state, without having procured a license
51 34 ~~for it~~ from the director of this state, in the same manner that
51 35 persons holding Iowa licenses may do, if the laws of Illinois,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

52 1 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota,
52 2 respectively, extend a similar privilege to persons so licensed
52 3 under the laws of Iowa.

52 4 Sec. 111. Section 481C.2A, subsection 6, Code 2011, is
52 5 amended to read as follows:

52 6 6. The department shall make educational materials that
52 7 explain the deer depredation management program available to
52 8 the general public, and available specifically to farmers
52 9 and farm and commodity organizations, in both electronic and
52 10 brochure formats ~~by June 30, 2008.~~

52 11 Sec. 112. Section 482.9, subsection 4, Code 2011, is amended
52 12 to read as follows:

52 13 4. For a person to lift or to fish licensed commercial gear
52 14 of another person, except when under the direct supervision of
52 15 the licensee as provided in section 482.7.

52 16 Sec. 113. Section 482.10, subsection 2, Code 2011, is
52 17 amended to read as follows:

52 18 2. All intrastate and interstate shipments of commercial
52 19 fish, turtles, turtle eggs, or roe or roe species, must be
52 20 accompanied by a receipt which shows the name and address of
52 21 the seller, date of sale, and the species, numbers, and pounds
52 22 of the fish, roe species, roe, turtles, or turtle eggs being
52 23 sold.

52 24 Sec. 114. Section 483A.1A, subsection 10, paragraph c, Code
52 25 2011, is amended to read as follows:

52 26 c. Is a student who qualifies as a resident pursuant to
52 27 paragraph "b" only for the purpose of purchasing any resident
52 28 license specified in section 483A.1 ~~or 484A.2.~~

52 29 Sec. 115. Section 483A.12, Code 2011, is amended to read as
52 30 follows:

52 31 483A.12 Fees.

52 32 1. The license agent shall be responsible for all fees for
52 33 the issuance of hunting, fishing, and fur harvester licenses,
52 34 and combination packages of licenses sold by the license
52 35 agent. All unused license blanks shall be surrendered to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

53 1 department upon the department's demand.

53 2 2. A license agent shall retain a writing fee of fifty
53 3 cents from the sale of each license or combination package of
53 4 licenses except that the writing fee for a free deer or wild
53 5 turkey hunting license as authorized under section 483A.24,
53 6 subsection 2, shall be one dollar. If a county recorder is a
53 7 license agent, the writing fees retained by the county recorder
53 8 shall be deposited in the general fund of the county.

53 9 Sec. 116. Section 483A.31, subsection 3, Code 2011, is
53 10 amended to read as follows:

53 11 3. When another state confers upon fishing, hunting, or
53 12 trapping licensees of this state reciprocal rights, privileges,
53 13 and immunities, a fishing, hunting, or trapping license issued
53 14 by that state entitles the licensee to all rights, privileges,
53 15 and immunities in the public waters or public lands of this
53 16 state enjoyed by the holders of equivalent licenses issued
53 17 by this state, subject to duties, responsibilities, and
53 18 liabilities imposed on ~~its own~~ licensees of this state by the
53 19 laws of this state.

53 20 Sec. 117. Section 499.2, Code 2011, is amended to read as
53 21 follows:

53 22 499.2 Definitions.

53 23 As used in this chapter, unless the context otherwise
53 24 requires:

53 25 1. "Agricultural associations" are those formed to produce,
53 26 grade, blend, preserve, process, store, warehouse, market,
53 27 sell, or handle an agricultural product, or a by-product of an
53 28 agricultural product; to produce ethanol; to purchase, produce,
53 29 sell, or supply machinery, petroleum products, equipment,
53 30 fertilizer, supplies, business services, or educational service
53 31 to or for those engaged as bona fide producers of agricultural
53 32 products; to finance any such activities; or to engage in any
53 33 cooperative activity connected with or for any number of these
53 34 purposes.

53 35 2. "Agricultural products" include horticultural,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

54 1 viticultural, forestry, dairy, livestock, poultry, bee and any
54 2 other farm products.

54 3 3. "Association" means a corporation formed under this
54 4 chapter.

54 5 4. A "cooperative association" is one which deals with or
54 6 functions for its members at least to the extent required by
54 7 section 499.3; and which distributes its net earnings among its
54 8 members in proportion to their dealings with it, except for
54 9 limited dividends or other items permitted in this chapter; and
54 10 in which each voting member has one vote and no more.

54 11 5. "Local deferred patronage dividends" of an association
54 12 means that portion of each member's deferred patronage
54 13 dividends described in section 499.30 which the board of
54 14 directors of the association has determined arise from
54 15 earnings of the association other than earnings which have been
54 16 allocated to the association but which have not been paid in
54 17 cash to the association by other cooperative organizations
54 18 of which the association is a member. However, if the board
54 19 of directors fails to make a determination with respect to a
54 20 deceased member's deferred patronage dividends prior to the
54 21 member's death, then "local deferred patronage dividends" means
54 22 that portion of the member's deferred patronage dividends
54 23 which is proportional to the deferred patronage dividends
54 24 described in section 499.30 less the amount of undistributed
54 25 net earnings which have been allocated to the association by
54 26 other cooperative organizations of which the association is a
54 27 member, compared to all deferred patronage dividends of the
54 28 association.

54 29 6. "Local deferred patronage preferred stock" of an
54 30 association means preferred stock, if any, of an association
54 31 which has been issued in exchange for local deferred patronage
54 32 dividends. If preferred stock has been issued in exchange
54 33 for deferred patronage dividends prior to the time the board
54 34 of directors of the association has determined the portion of
54 35 each member's deferred patronage dividend which represents



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

55 1 local deferred patronage dividends, then the board of directors
55 2 may reasonably determine what portion of the preferred stock
55 3 was issued in exchange for local deferred patronage dividends
55 4 and the portion which was issued for other deferred patronage
55 5 dividends.

55 6 7. "Member" refers not only to members of nonstock
55 7 associations but also to common stockholders of stock
55 8 associations, unless the context of a particular provision
55 9 otherwise indicates.

55 10 Sec. 118. Section 499A.1, subsection 1, Code 2011, is
55 11 amended to read as follows:

55 12 1. Any two or more persons of full age, a majority of whom
55 13 are citizens of the state, may organize themselves for the
55 14 following or similar purposes: Ownership of residential,
55 15 business property on a cooperative basis. A ~~corporation~~

~~55 16~~ cooperative is a person within the meaning of this chapter.

55 17 The organizers shall adopt, and sign and acknowledge the
55 18 articles of incorporation, stating the name by which the
55 19 cooperative shall be known, the location of its principal
55 20 place of business, its business or objects, the number of
55 21 directors to conduct the cooperative's business or objects,
55 22 the names of the directors for the first year, the time of the
55 23 cooperative's annual meeting, the time of the annual meeting
55 24 of its directors, and the manner in which the articles may be
55 25 amended. The articles of incorporation shall be filed with
55 26 the secretary of state who shall, if the secretary approves
55 27 the articles, endorse the secretary of state's approval on the
55 28 articles, record the articles, and forward the articles to
55 29 the county recorder of the county where the principal place
55 30 of business is to be located, and there the articles shall be
55 31 recorded, and upon recording be returned to the cooperative.
55 32 The articles shall not be filed by the secretary of state until
55 33 a filing fee of five dollars together with a recording fee of
55 34 fifty cents per page is paid, and upon the payment of the fees
55 35 and the approval of the articles by the secretary of state,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

56 1 the secretary shall issue to the cooperative a certificate
56 2 of incorporation as a cooperative not for pecuniary profit.
56 3 The county recorder shall collect recording fees pursuant to
56 4 section 331.604 for articles forwarded for recording under this
56 5 section.
56 6 Sec. 119. Section 508.33, Code 2011, is amended to read as
56 7 follows:
56 8 508.33 Subsidiary companies acquired.
56 9 Any life insurance company incorporated in this state
56 10 may organize, or acquire by purchase, in whole or in part
56 11 subsidiary insurance and investment companies in which it
56 12 owns not less than fifty=one percent of the common stock,
56 13 and notwithstanding any other provisions of this subtitle
56 14 inconsistent herewith may ~~(1) invest~~ do all of the following:
56 15 1. Invest funds from surplus for such purpose, ~~(2) make.~~
56 16 2. Make loans to such subsidiaries, ~~and (3) permit.~~
56 17 3. Permit all or part of its officers and directors to serve
56 18 as officers or directors of such subsidiary companies.
56 19 Sec. 120. Section 514G.105, subsection 1, paragraph c, Code
56 20 2011, is amended to read as follows:
56 21 c. Provide coverage for skilled nursing care only, or
56 22 provide significantly more coverage for skilled nursing care in
56 23 a facility than coverage for lower levels of care.
56 24 Sec. 121. Section 514G.110, subsection 6, paragraph c, Code
56 25 2011, is amended to read as follows:
56 26 c. An insured may object to the independent review entity
56 27 selected by the insurer or to the licensed health care
56 28 professional designated by the independent review entity to
56 29 conduct the review by filing a notice of objection along with
56 30 reasons for the objection, with the commissioner within ten
56 31 days of receipt of a notice sent by the independent review
56 32 entity pursuant to paragraph "b". The commissioner shall
56 33 consider the insured's objection and shall notify the insured,
56 34 the insurer, and the independent review entity of ~~its~~ the
56 35 commissioner's decision to sustain or deny the objection within



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

57 1 two business days of receipt of the objection.

57 2 Sec. 122. Section 514I.5, subsection 1, unnumbered
57 3 paragraph 1, Code 2011, is amended to read as follows:

57 4 A hawk=i board for the hawk=i program is established. The
57 5 board shall meet not less than six and not more than twelve
57 6 times annually, for the purposes of establishing policy
57 7 for, directing the department on, and adopting rules for the
57 8 program. The board shall consist of seven voting members
57 9 and four ex officio, nonvoting members, including all of the
57 10 following:

57 11 Sec. 123. Section 524.310, subsection 5, paragraph b, Code
57 12 2011, is amended to read as follows:

57 13 b. A corporate or company name reserved, registered, or
57 14 protected as provided in section 490.402, 490.403, 490A.402,
57 15 504.402, or 504.403.

57 16 Sec. 124. Section 524.1406, subsection 3, paragraph a, Code
57 17 2011, is amended to read as follows:

57 18 a. Notwithstanding any contrary provision in chapter
57 19 490, division XIII, in determining the fair value of the
57 20 shareholder's shares of a bank organized under this chapter
57 21 or a bank holding company as defined in section 524.1801 in a
57 22 transaction or event in which the shareholder is entitled to
57 23 appraisal rights, due consideration shall be given to valuation
57 24 factors recognized for federal and state estate tax purposes,
57 25 including discounts for minority interests and discounts
57 26 for lack of marketability. However, any payment made to
57 27 shareholders under section 490.1324 shall be in an amount not
57 28 less than the stockholders' equity in the bank disclosed in its
57 29 last statement of condition filed under section 524.220 or the
57 30 total equity capital of the bank holding company disclosed in
57 31 the most recent report filed by the bank holding company with
57 32 the board of governors of the federal reserve system, divided
57 33 by the number of shares outstanding.

57 34 Sec. 125. Section 533.111, subsection 4, paragraph b, Code
57 35 2011, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

58 1 b. Funds appropriated to the credit union division shall
58 2 be subject at all times to the warrant of the director of
58 3 ~~revenue~~ the department of administrative services, drawn upon
58 4 written requisition of the superintendent or a designated
58 5 representative, for the payment of all salaries and other
58 6 expenses necessary to carry out the duties of the credit union
58 7 division.
58 8 Sec. 126. Section 533.204, subsection 5, Code 2011, is
58 9 amended to read as follows:
58 10 5. a. A state credit union wishing to maintain a board
58 11 of directors of less than nine members may apply to the
58 12 superintendent for permission to reduce the required number of
58 13 directors. An application to reduce the required number of
58 14 directors under this subsection must demonstrate both of the
58 15 following:
58 16 ~~a.~~ (1) The application is necessitated by a hardship or
58 17 other special circumstance.
58 18 ~~b.~~ (2) A lesser number of directors is in the best interest
58 19 of the state credit union and its members.
58 20 b. In no event ~~may~~ shall the superintendent allow a state
58 21 credit union to maintain fewer than seven directors on a state
58 22 credit union board.
58 23 Sec. 127. Section 533.205, subsection 2, paragraph d, Code
58 24 2011, is amended to read as follows:
58 25 d. The board may appoint an executive committee to act on
58 26 ~~its~~ the board's behalf.
58 27 Sec. 128. Section 533.207, subsection 4, Code 2011, is
58 28 amended to read as follows:
58 29 4. The credit committee shall meet as often as may be
58 30 necessary after due notice to each committee member.
58 31 Sec. 129. Section 533.315, subsection 9, paragraph a, Code
58 32 2011, is amended to read as follows:
58 33 a. The provisions of the Iowa consumer credit code, chapter
58 34 537, shall apply to consumer loans made by a state credit
58 35 union, and a provision of that ~~code~~ chapter shall supersede



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

59 1 any conflicting provision of this chapter with respect to a
59 2 consumer loan.

59 3 Sec. 130. Section 533.404, subsection 2, Code 2011, is
59 4 amended to read as follows:

59 5 2. All amounts due members who are unknown, or who are under
59 6 a disability and no person is legally competent to receive
59 7 the amounts, or who cannot be found after the exercise of
59 8 reasonable diligence, shall be transmitted to the treasurer
59 9 of state who shall hold the amounts in the manner prescribed
59 10 by chapter 556. All amounts due creditors as described in
59 11 section 490.1440 shall be transmitted to the treasurer of state
59 12 in accordance with that section ~~and~~, shall be retained by the
59 13 treasurer of state, and are subject to claim as provided for in
59 14 that section.

59 15 Sec. 131. Section 533.505, subsection 4, Code 2011, is
59 16 amended to read as follows:

59 17 4. The refusal of any person to obey an order of the
59 18 district court issued pursuant to subsection ~~4~~ 3, without
59 19 reasonable cause, shall be considered a contempt of court.

59 20 Sec. 132. Section 534.202, subsection 1, Code 2011, is
59 21 amended to read as follows:

59 22 1. Power to purchase and to lend upon loans. The power to
59 23 make loans shall include ~~(a) the~~ all of the following:

59 24 a. The power to purchase loans of any type that the
59 25 association may make, ~~(b) the~~.

59 26 b. The power to make loans upon the security of loans of any
59 27 type that the association may make, ~~and (c) the~~.

59 28 c. The power to sell any loans of the type the association
59 29 is authorized to make.

59 30 Sec. 133. Section 535B.1, subsection 8, Code 2011, is
59 31 amended to read as follows:

59 32 8. "Natural person" means an individual who is not
59 33 an association, joint venture, or joint stock company,
59 34 partnership, limited partnership, business corporation,
59 35 nonprofit corporation, other business entity, or any other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

60 1 group of individuals or business entities, however organized.

60 2 Sec. 134. Section 546.10, subsection 10, Code 2011, is
60 3 amended to read as follows:

60 4 10. Notwithstanding section 17A.6, subsection 4 2, the
60 5 licensing boards included within the bureau pursuant to
60 6 subsection 1 may adopt standards by reference to another
60 7 publication without providing a copy of the publication to the
60 8 administrative rules coordinator if the publication containing
60 9 the standards is readily accessible on the internet at no cost
60 10 and the internet site at which the publication may be found is
60 11 included in the administrative rules that adopt the standard.

60 12 Sec. 135. Section 582.1, Code 2011, is amended by adding the
60 13 following new unnumbered paragraph:

60 14 NEW UNNUMBERED PARAGRAPH As used in this chapter, unless
60 15 the context otherwise requires:

60 16 Sec. 136. Section 600.11, subsection 2, Code 2011, is
60 17 amended to read as follows:

60 18 2. a. At least twenty days before the adoption hearing, a
60 19 copy of the petition and its attachments and a notice of the
60 20 adoption hearing shall be given by the adoption petitioner to:

60 21 ~~a.~~ (1) A guardian, guardian ad litem if appointed for
60 22 the adoption proceedings, and custodian of, and a person in a
60 23 parent=child relationship with the person to be adopted. This
60 24 ~~paragraph~~ subparagraph does not require notice to be given to a
60 25 person whose parental rights have been terminated with regard
60 26 to the person to be adopted.

60 27 ~~b.~~ (2) The person to be adopted who is an adult.

60 28 ~~c.~~ (3) Any person who is designated to make an
60 29 investigation and report under section 600.8.

60 30 ~~d.~~ (4) Any other person who is required to consent under
60 31 section 600.7.

60 32 ~~e.~~ (5) A person who has been granted visitation rights with
60 33 the child to be adopted pursuant to section 600C.1.

60 34 ~~Nothing in this subsection shall require the petitioner to~~
~~60 35 give notice to self or to petitioner's spouse. A duplicate~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

~~House Study Bill 185 continued~~

~~61 1 copy of the petition and its attachments shall be mailed to the
61 2 department by the clerk of court at the time the petition is
61 3 filed.~~

61 4 ~~¶. (6)~~ A person who is ordered to pay support or a
61 5 postsecondary education subsidy pursuant to section 598.21F, or
61 6 chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter
61 7 of the Code, for a person eighteen years of age or older who is
61 8 being adopted by a stepparent, and the support order or order
61 9 requires payment of support or postsecondary education subsidy
61 10 for any period of time after the child reaches eighteen years
61 11 of age.

61 12 b. Nothing in this subsection shall require the petitioner
61 13 to give notice to self or to petitioner's spouse. A duplicate
61 14 copy of the petition and its attachments shall be mailed to the
61 15 department by the clerk of court at the time the petition is
61 16 filed.

61 17 Sec. 137. Section 600C.1, subsection 5, Code 2011, is
61 18 amended to read as follows:

61 19 5. For the purposes of this ~~subsection~~ section, "substantial
61 20 relationship" includes but is not limited to any of the
61 21 following:

61 22 a. The child has lived with the grandparent or
61 23 great=grandparent for at least six months.

61 24 b. The grandparent or great=grandparent has voluntarily and
61 25 in good faith supported the child financially in whole or in
61 26 part for a period of not less than six months.

61 27 c. The grandparent or great=grandparent has had frequent
61 28 visitation including occasional overnight visitation with the
61 29 child for a period of not less than one year.

61 30 Sec. 138. Section 602.8105, subsection 2, paragraph e, Code
61 31 2011, is amended to read as follows:

61 32 e. For filing a praecipe to issue execution under chapter
61 33 626, twenty=five dollars. The fee shall be recoverable by
61 34 the creditor from the debtor against whom the execution is
61 35 issued. A fee payable by a political subdivision of the state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

62 1 under this paragraph shall be collected by the clerk of the
62 2 district court as provided in section 602.8109. However,
62 3 the fee shall be waived and shall not be collected from a
62 4 political subdivision of the state if a county attorney or
62 5 county attorney's designee is collecting a delinquent judgment
62 6 pursuant to section 602.8107, subsection 4.

62 7 Sec. 139. Section 602.8109, subsection 6, Code 2011, is
62 8 amended to read as follows:

62 9 6. If the amount owed by the city under subsection 5,
62 10 paragraph "a", for a calendar month is greater than the amount
62 11 due to the city under subsection 5, paragraph "b", for that
62 12 month, the city shall remit the difference to the clerk of the
62 13 district court no later than the last day of the month in which
62 14 the statement under subsection 5 is received.

62 15 Sec. 140. Section 626D.5, subsection 4, Code 2011, is
62 16 amended to read as follows:

62 17 4. The court may ~~recognize and enforce or~~ decline to
62 18 recognize and enforce a tribal judgment on equitable grounds
62 19 for any of the following reasons:

62 20 a. The tribal judgment was obtained by extrinsic fraud.

62 21 b. The tribal judgment conflicts with another filed judgment
62 22 that is entitled to recognition in this state.

62 23 c. The tribal judgment is inconsistent with the parties'
62 24 contractual choice of forum provided the contractual choice of
62 25 forum issue was timely raised in the tribal court.

62 26 d. The tribal court does not recognize and enforce judgments
62 27 of the courts of this state under standards similar to those
62 28 provided in this chapter.

62 29 e. The cause of action or defense upon which the tribal
62 30 judgment is based is repugnant to the fundamental public policy
62 31 of the United States or this state.

62 32 Sec. 141. Section 633.3, subsection 4, Code 2011, is amended
62 33 to read as follows:

62 34 4. Charges ==== includes costs of administration, funeral
62 35 expenses, cost of monument, and federal and state estate taxes.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

63 1 Sec. 142. Section 633.231, subsection 2, Code 2011, is
63 2 amended to read as follows:
63 3 2. The notice shall be in substantially the following form:
63 4 NOTICE OF OPENING ADMINISTRATION
63 5 OF ESTATE, OF APPOINTMENT OF
63 6 ADMINISTRATOR, AND NOTICE
63 7 TO CREDITOR
63 8 In the District Court of Iowa
63 9 In and for County.
63 10 In the Estate of, Deceased
63 11 Probate No.
63 12 To the Department of Human Services Who May Be Interested
63 13 in the Estate of, Deceased, who died on or about
63 14 (date):
63 15 You are hereby notified that on the .. day
63 16 of ... (month), ... (year), an intestate estate was opened
63 17 in the above=named court and that was appointed
63 18 administrator of the estate.
63 19 You are further notified that the birthdate of the deceased
63 20 is and the deceased's social security number is
63 21 ...=..=.... The name of the spouse
63 22 is The birthdate of the spouse is and the spouse's
63 23 social security number is ...=..=...., and that the spouse
63 24 of the deceased is alive as of the date of this notice, or
63 25 deceased as of (date).
63 26 You are further notified that the deceased was/was not a
63 27 disabled or a blind child of the medical assistance recipient
63 28 by the name of, who had a birthdate of and a social
63 29 security number of ...=..=...., and the medical assistance
63 30 debt of that medical assistance recipient was waived pursuant
63 31 to section 249A.5, subsection 2, paragraph "a", subparagraph
63 32 (1), and is now collectible from this estate pursuant to
63 33 section 249A.5, subsection 2, paragraph "b".
63 34 Notice is hereby given that if the department of human
63 35 services has a claim against the estate for the deceased person



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

64 1 or persons named in this notice, the claim shall be filed with
64 2 the clerk of the above-named district court, as provided by
64 3 law, duly authenticated, for allowance within six months from
64 4 the date of sending this notice and, unless otherwise allowed
64 5 or paid, the claim is thereafter forever barred. If the
64 6 department does not have a claim, the department shall return
64 7 the notice to the ~~executor~~ administrator with notification
64 8 stating the department does not have a claim within six months
64 9 from the date of sending this notice.

64 10 Dated this ... day of (month), ... (year)

64 11

64 12 Administrator of estate

64 13

64 14 Address

64 15

64 16 Attorney for administrator

64 17

64 18 Address

64 19 Sec. 143. Section 633.717, subsection 8, Code 2011, is
64 20 amended to read as follows:

64 21 8. The denial by a court of this state of a petition to
64 22 accept a guardianship or conservatorship transferred from
64 23 another state does not affect the ability of the guardian or
64 24 conservator to seek appointment as guardian or conservator in
64 25 this state under section 633.551, ~~or~~ 633.552, or 633.566, if
64 26 the court has jurisdiction to make an appointment other than by
64 27 reason of the provisional order of transfer.

64 28 Sec. 144. Section 633A.3112, subsection 1, Code 2011, is
64 29 amended to read as follows:

64 30 1. "Charges" includes costs of administration, funeral
64 31 expenses, costs of monuments, and federal and state estate
64 32 taxes.

64 33 Sec. 145. Section 636.45, subsection 2, Code 2011, is
64 34 amended to read as follows:

64 35 2. It shall be lawful for insurance companies, ~~building~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

~~House Study Bill 185 continued~~

~~65~~ 1 savings and loan associations, trustees, guardians, executors,
65 2 administrators, and other fiduciaries, the state and its
65 3 political subdivisions, and institutions and agencies thereof,
65 4 and all other persons, associations, and corporations, subject
65 5 to the laws of this state, to originate real estate loans
65 6 which are guaranteed or insured by the secretary of the United
65 7 States department of veterans affairs under the provisions of
65 8 38 U.S.C. { 3701 et seq., and originate loans secured by real
65 9 property or leasehold, as the federal housing administrator
65 10 insures or makes a commitment to insure pursuant to Tit. II of
65 11 the National Housing Act (1934), and may obtain such insurance
65 12 and may invest their funds, and the moneys in their custody or
65 13 possession, eligible for investment, in bonds and notes secured
65 14 by mortgage or trust deed insured by the federal housing
65 15 administrator, and in the debentures issued by the federal
65 16 housing administrator pursuant to Tit. II of the National
65 17 Housing Act (1934), and in securities issued by national
65 18 mortgage associations or similar credit institutions now or
65 19 hereafter organized under Tit. III of the National Housing
65 20 Act (1934), and in real estate loans which are guaranteed or
65 21 insured by the secretary of the United States department of
65 22 veterans affairs under the provisions of 38 U.S.C. { 3701 et
65 23 seq.

65 24 Sec. 146. Section 654.6, Code 2011, is amended to read as
65 25 follows:

65 26 654.6 Deficiency ==== general execution.

65 27 If the mortgaged property does not sell for an amount which
65 28 is sufficient to satisfy the execution, a general execution
65 29 may be issued against the mortgagor, unless the parties have
65 30 stipulated otherwise.

65 31 Sec. 147. Section 692A.113, subsection 1, paragraph h, Code
65 32 2011, is amended to read as follows:

65 33 h. Loiter on or within three hundred feet of the premises of
65 34 any place intended primarily for the use of minors including
65 35 but not limited to a playground available to the public, a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

66 1 children's play area available to the public, a recreational or
66 2 sport-related activity area when in use by a minor, a swimming
66 3 or wading pool available to the public when in use by a minor,
66 4 or a beach available to the public when in use by a minor.

66 5 Sec. 148. Section 707.6A, subsection 4, Code 2011, is
66 6 amended to read as follows:

66 7 4. A person commits a class "D" felony when the person
66 8 unintentionally causes a serious injury, as defined in section
66 9 ~~321J.1~~ 702.18, by any of the means described in subsection 1
66 10 or 2.

66 11 Sec. 149. Section 714.8, subsection 14, paragraph a, Code
66 12 2011, is amended to read as follows:

66 13 a. Makes payment pursuant to an agreement with a dealer
66 14 or market agency for livestock held by the dealer or market
66 15 agency by use of a financial instrument which is a check, share
66 16 draft, draft, or written order on any financial institution, as
66 17 defined in section ~~203C.1~~ 203.1, if after seven days from the
66 18 date that possession of the livestock is transferred pursuant
66 19 to the purchase, the financial institution refuses payment on
66 20 the instrument because of insufficient funds in the maker's
66 21 account.

66 22 Sec. 150. Section 717F.1, subsection 10, paragraph c, Code
66 23 2011, is amended to read as follows:

66 24 c. A research facility which ~~is certified~~ has been issued a
66 25 certificate of registration by the department of agriculture
66 26 and land stewardship as provided in ~~section 162.10~~ sections
66 27 162.2A and 162.4A.

66 28 Sec. 151. Section 728.8, Code 2011, is amended to read as
66 29 follows:

66 30 728.8 Suspension of licenses or permits.

66 31 Any person who knowingly permits a violation of section
66 32 728.2, 728.3, or 728.5, subsection ~~6~~ 1, paragraph "f", to occur
66 33 on premises under the person's control shall have all permits
66 34 and licenses issued to the person under state or local law as a
66 35 prerequisite for doing business on such premises revoked for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

67 1 a period of six months. The county attorney shall notify all
67 2 agencies responsible for issuing licenses and permits of any
67 3 conviction under section 728.2, 728.3, or 728.5, subsection ~~6~~
~~67 4 1, paragraph "f".~~
67 5 Sec. 152. Section 731.8, Code 2011, is amended to read as
67 6 follows:
67 7 731.8 Exception.
67 8 The provisions of this chapter shall not apply to employers
67 9 or employees covered by the federal ~~Railroad~~ Railway Labor Act,
67 10 45 U.S.C. { 151 et seq.
67 11 Sec. 153. Section 805.8A, subsection 4, unnumbered
67 12 paragraph 1, Code 2011, is amended to read as follows:
67 13 For driver's license violations under the following
67 14 sections, the scheduled ~~violation~~ fine is as follows:
67 15 Sec. 154. Section 805.8A, subsection 6, unnumbered
67 16 paragraph 1, Code 2011, is amended to read as follows:
67 17 For operating violations under the following sections, the
67 18 scheduled ~~violation~~ fine is as follows:
67 19 Sec. 155. Section 805.8A, subsection 7, unnumbered
67 20 paragraph 1, Code 2011, is amended to read as follows:
67 21 For failure to yield or obey violations under the following
67 22 sections, the scheduled ~~violation~~ fine is as follows:
67 23 Sec. 156. Section 805.8A, subsection 8, unnumbered
67 24 paragraph 1, Code 2011, is amended to read as follows:
67 25 For traffic sign or signal violations under the following
67 26 sections, the scheduled ~~violation~~ fine is as follows:
67 27 Sec. 157. Section 805.8A, subsection 14, paragraph c,
67 28 subparagraph (2), Code 2011, is amended to read as follows:
67 29 (2) For a violation under section 321.446, the scheduled
67 30 ~~violation~~ fine is one hundred dollars.
67 31 Sec. 158. Section 907.3, subsection 3, unnumbered paragraph
67 32 1, Code 2011, is amended to read as follows:
67 33 By record entry at the time of or after sentencing, the court
67 34 may suspend the sentence and place the defendant on probation
67 35 upon such terms and conditions as it may require including



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

68 1 commitment to an alternate jail facility or a community
68 2 correctional residential treatment facility to be followed by
68 3 a ~~term~~ period of probation as specified in section 907.7, or
68 4 commitment of the defendant to the judicial district department
68 5 of correctional services for supervision or services under
68 6 section 901B.1 at the level of sanctions which the district
68 7 department determines to be appropriate and the payment of fees
68 8 imposed under section 905.14. A person so committed who has
68 9 probation revoked shall be given credit for such time served.
68 10 However, the court shall not suspend any of the following

68 11 sentences:

68 12 Sec. 159. Section 908.11, subsection 4, Code 2011, is
68 13 amended to read as follows:

68 14 4. If the violation is established, the court may continue
68 15 the probation or youthful offender status with or without
68 16 an alteration of the conditions of probation or a youthful
68 17 offender status. If the defendant is an adult or a youthful
68 18 offender the court may hold the defendant in contempt of court
68 19 and sentence the defendant to a jail term while continuing the
68 20 probation or youthful offender status, order the defendant
68 21 to be placed in a violator facility established pursuant to
68 22 section 904.207 while continuing the probation or youthful
68 23 offender status, extend the ~~term~~ period of probation for up to
68 24 one year as authorized in section 907.7 while continuing the
68 25 probation or youthful offender status, or revoke the probation
68 26 or youthful offender status and require the defendant to serve
68 27 the sentence imposed or any lesser sentence, and, if imposition
68 28 of sentence was deferred, may impose any sentence which might
68 29 originally have been imposed.

68 30 Sec. 160. Section 915.86, subsection 14, Code 2011, is
68 31 amended to read as follows:

68 32 14. Reasonable expenses incurred by a victim, the victim's
68 33 parent or caretaker, or the survivor of a homicide victim as
68 34 described in subsection 10 to replace locks, windows, and other
68 35 residential security items at the victim's residence or at



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

69 1 the residential scene of a crime, not to exceed five hundred
69 2 dollars per residence.

69 3 Sec. 161. 2010 Iowa Acts, chapter 1031, section 255, is
69 4 amended by striking the section and inserting in lieu thereof
69 5 the following:

69 6 SEC. 255. 2008 Iowa Acts, chapter 1080, section 1,
69 7 subsection 6, is amended to read as follows:

69 8 6. This section is repealed on ~~July 1~~ March 10, 2010.

69 9 Sec. 162. Section 203C.37, subsection 1, paragraph a, as
69 10 amended by 2010 Iowa Acts, chapter 1082, section 4, is amended
69 11 to read as follows:

69 12 a. Upon the filing of an application pursuant to section
69 13 203C.7 and compliance with the terms and conditions of this
69 14 chapter including rules of the department, the department
69 15 shall issue the applicant a warehouse operator's license.
69 16 The license expires at the end of the third calendar month
69 17 following the close of the warehouse operator's fiscal year.
69 18 A warehouse operator's license may be renewed annually by the
69 19 filing of a renewal application on a form prescribed by the
69 20 department pursuant to section ~~203C.37~~ 203C.7. An application
69 21 for renewal must be received by the department on or before
69 22 the end of the third calendar month following the close of the
69 23 warehouse operator's fiscal year.

69 24 Sec. 163. 2010 Iowa Acts, chapter 1193, section 141, is
69 25 amended to read as follows:

69 26 SEC. 141. EFFECTIVE DATE. The provision of this division
69 27 of this Act amending section ~~421.3~~ 421C.3, if enacted by 2010
69 28 Iowa Acts, Senate File 2383, takes effect on the effective date
69 29 of section 421C.3.

69 30 Sec. 164. 2010 Iowa Acts, chapter 1193, section 203, is
69 31 amended to read as follows:

69 32 SEC. 203. 2010 Iowa Acts, Senate File 2356, section ~~2~~ 1,
69 33 amending section 249J.7, if enacted, is repealed.

69 34 Sec. 165. REPEAL. Section 80D.15, Code 2011, is repealed.

69 35 Sec. 166. REPEAL. Section 103A.27, Code 2011, is repealed.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

70 1 Sec. 167. REPEAL. Section 455B.473A, Code 2011, is
70 2 repealed.

70 3 DIVISION II
70 4 RESTRUCTURING

70 5 Sec. 168. Section 421B.2, subsections 1 and 6, Code 2011,
70 6 are amended to read as follows:

70 7 1. "Basic cost of cigarettes" shall mean whichever of one of
70 8 the two following amounts is lower: ~~(a) the, less, in either~~
70 9 ~~case, all trade discounts and customary discounts for cash,~~
70 10 ~~plus one-half of the full face value of any stamps which may be~~
70 11 ~~required by any cigarette tax act of this state:~~

70 12 a. ~~The true invoice cost of cigarettes to the wholesaler or~~
70 13 ~~retailer, as the case may be, or (b) the.~~

70 14 b. ~~The lowest replacement cost of cigarettes to the~~
70 15 ~~wholesaler or retailer in the quantity last purchased, less, in~~
70 16 ~~either case, all trade discounts and customary discounts for~~
70 17 ~~cash, plus one-half of the full face value of any stamps which~~
70 18 ~~may be required by any cigarette tax act of this state.~~

70 19 6. "Retailer" means any person who is engaged in this state
70 20 in the business of selling, or offering to sell, cigarettes
70 21 at retail. For purposes of this chapter, a person who does
70 22 not meet the definition of retailer or wholesaler but who is
70 23 engaged in the business of selling cigarettes in this state to
70 24 a retailer or final consumer shall be considered a retailer and
70 25 subject to the minimum pricing requirements of this chapter.

70 26 ~~For purposes of this chapter, a person who does not meet the~~
70 27 ~~definition of retailer or wholesaler but who is engaged in the~~
70 28 ~~business of selling cigarettes in this state to a retailer or~~
70 29 ~~final consumer shall be considered a retailer and subject to~~
70 30 ~~the minimum pricing requirements of this chapter.~~

70 31 Sec. 169. Section 425.11, Code 2011, is amended to read as
70 32 follows:

70 33 425.11 Definitions.

70 34 1. For the purpose of this chapter and wherever used in this
70 35 chapter:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

71 1 ~~1. a. The words "assessed~~ "Assessed valuation" ~~shall mean~~
71 2 ~~means~~ the taxable valuation of the homestead as fixed by the
71 3 assessor, or by the board of review, under the provisions of
71 4 section 441.21, without deducting therefrom the exemptions
71 5 authorized in section 426A.11.
71 6 ~~2. b. Unless the context otherwise requires, "book"~~ "Book",
71 7 "list", "record", or "schedule" kept by a county auditor,
71 8 assessor, treasurer, recorder, sheriff, or other county
71 9 officer, unless the context otherwise requires, means the
71 10 county system as defined in section 445.1.
71 11 c. "Dwelling house" shall embrace any building occupied
71 12 wholly or in part by the claimant as a home.
71 13 ~~3. d. The word "homestead"~~ "Homestead" shall have the
71 14 following meaning:
71 15 ~~a.~~ (1) The homestead includes the dwelling house which the
71 16 owner, in good faith, is occupying as a home on July 1 of the
71 17 year for which the credit is claimed and occupies as a home
71 18 for at least six months during the calendar year in which the
71 19 fiscal year begins, except as otherwise provided.
71 20 (a) When any person is inducted into active service under
71 21 the Selective Training and Service Act of the United States
71 22 or whose voluntary entry into active service results in a
71 23 credit on the quota of persons required for service under the
71 24 Selective Training and Service Act, or who, being a member of
71 25 any component part of the military, naval, or air forces or
71 26 nurse corps of this state or nation, is called or ordered into
71 27 active service, such person shall be considered as occupying
71 28 or living on the homestead during such service and, where
71 29 equitable or legal title of the homestead is in the spouse of
71 30 the person who is a member of or is inducted into the armed
71 31 services of the United States, the spouse shall be considered
71 32 as occupying or living on the homestead during such service.
71 33 (b) When any person is confined in a nursing home,
71 34 extended-care facility, or hospital, such person shall be
71 35 considered as occupying or living on a homestead where such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

72 1 person is the owner of such homestead and such person maintains
72 2 such homestead and does not lease, rent, or otherwise receive
72 3 profits from other persons for the use thereof.
72 4 ~~b.~~ (2) It may contain one or more contiguous lots or tracts
72 5 of land with the buildings or other appurtenances thereon
72 6 habitually, and in good faith, used as a part of the homestead.
72 7 ~~e.~~ (3) It must not embrace more than one dwelling house,
72 8 but where a homestead has more than one dwelling house situated
72 9 thereon, the credit provided for in this chapter shall apply to
72 10 the home and buildings used by the owner, but shall not apply
72 11 to any other dwelling house and buildings appurtenant.
72 12 ~~d. The words "dwelling house" shall embrace any building~~
~~72 13 occupied wholly or in part by the claimant as a home.~~
72 14 4. e. The word "owner" shall mean "Owner" means the
72 15 person who holds the fee simple title to the homestead, and
72 16 in addition shall mean the person occupying as a surviving
72 17 spouse or the person occupying under a contract of purchase
72 18 which contract has been recorded in the office of the county
72 19 recorder of the county in which the property is located; or the
72 20 person occupying the homestead under devise or by operation
72 21 of the inheritance laws where the whole interest passes or
72 22 where the divided interest is shared only by persons related or
72 23 formerly related to each other by blood, marriage or adoption;
72 24 or the person occupying the homestead is a shareholder of a
72 25 family farm corporation that owns the property; or the person
72 26 occupying the homestead under a deed which conveys a divided
72 27 interest where the divided interest is shared only by persons
72 28 related or formerly related to each other by blood, marriage
72 29 or adoption; or where the person occupying the homestead holds
72 30 a life estate with the reversion interest held by a nonprofit
72 31 corporation organized under chapter 504, provided that the
72 32 holder of the life estate is liable for and pays property tax
72 33 on the homestead; or where the person occupying the homestead
72 34 holds an interest in a horizontal property regime under chapter
72 35 499B, regardless of whether the underlying land committed to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

73 1 the horizontal property regime is in fee or as a leasehold
73 2 interest, provided that the holder of the interest in the
73 3 horizontal property regime is liable for and pays property tax
73 4 on the homestead; or where the person occupying the homestead
73 5 is a member of a community land trust as defined in 42 U.S.C.
73 6 { 12773, regardless of whether the underlying land is in fee
73 7 or as a leasehold interest, provided that the member of the
73 8 community land trust is occupying the homestead and is liable
73 9 for and pays property tax on the homestead. For the purpose of
73 10 this chapter the word "owner" shall be construed to mean a bona
73 11 fide owner and not one for the purpose only of availing the
73 12 person of the benefits of this chapter. In order to qualify
73 13 for the homestead tax credit, evidence of ownership shall be
73 14 on file in the office of the clerk of the district court or
73 15 recorded in the office of the county recorder at the time the
73 16 owner files with the assessor a verified statement of the
73 17 homestead claimed by the owner as provided in section 425.2.
73 18 2. Where not in conflict with the terms of the definitions
73 19 ~~above~~ set out in subsection 1, the provisions of chapter 561
73 20 shall control.

73 21 Sec. 170. Section 427B.3, Code 2011, is amended to read as
73 22 follows:

73 23 427B.3 Period of partial exemption.

73 24 1. "Actual value added", as used in this chapter, means the
73 25 actual value added as of the first year for which the exemption
73 26 is received, except that actual value added by improvements to
73 27 machinery and equipment means the actual value as determined
73 28 by the assessor as of January 1 of each year for which the
73 29 exemption is received.

73 30 2. The actual value added to industrial real estate for the
73 31 reasons specified in section 427B.1 is eligible to receive a
73 32 partial exemption from taxation for a period of five years.
73 33 However, if property ceases to be classified as industrial real
73 34 estate or ceases to be used as a warehouse or distribution
73 35 center, the partial exemption for the value added shall not be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

74 1 allowed for subsequent assessment years. ~~"Actual value added"~~
74 2 ~~as used in this chapter means the actual value added as of the~~
74 3 ~~first year for which the exemption is received, except that~~
74 4 ~~actual value added by improvements to machinery and equipment~~
74 5 ~~means the actual value as determined by the assessor as of~~
74 6 ~~January 1 of each year for which the exemption is received.~~

74 7 3. a. The amount of actual value added which is eligible to
74 8 be exempt from taxation shall be as follows:

74 9 ~~1.~~ (1) For the first year, seventy-five percent.

74 10 ~~2.~~ (2) For the second year, sixty percent.

74 11 ~~3.~~ (3) For the third year, forty-five percent.

74 12 ~~4.~~ (4) For the fourth year, thirty percent.

74 13 ~~5.~~ (5) For the fifth year, fifteen percent.

74 14 b. This schedule shall be followed unless an alternative
74 15 schedule is adopted by the city council of a city or the board
74 16 of supervisors of a county in accordance with section 427B.1.

74 17 4. However, the granting of the exemption under this section
74 18 for new construction constituting complete replacement of an
74 19 existing building or structure shall not result in the assessed
74 20 value of the industrial real estate being reduced below the
74 21 assessed value of the industrial real estate before the start
74 22 of the new construction added.

74 23 DIVISION III

74 24 INTERNAL REFERENCE CORRECTIONS

74 25 Sec. 171. Section 47.10, Code 2011, is amended to read as
74 26 follows:

74 27 47.10 Optical scan voting system fund.

74 28 An optical scan voting system fund is established in the
74 29 office of the treasurer of state under the control of the
74 30 secretary of state. Moneys in the fund are appropriated to the
74 31 office of the secretary of state for purchase and distribution
74 32 of optical scan voting system equipment to counties to assist
74 33 county compliance with section 52.2, ~~subsection 2.~~ The
74 34 secretary of state, in consultation with the department of
74 35 administrative services, shall establish a procedure for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 185 continued

75 1 purchasing and distributing the equipment.

75 2 Sec. 172. Section 80D.5, Code 2011, is amended to read as
75 3 follows:

75 4 80D.5 No exemptions.

75 5 There shall be no exemptions from the personal and training
75 6 standards provided for in this chapter except as provided in
75 7 ~~sections~~ section 80D.7 ~~and 80D.15.~~

75 8 DIVISION IV

75 9 EFFECTIVE AND APPLICABILITY

75 10 PROVISIONS

75 11 Sec. 173. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

75 12 APPLICABILITY. The following provision or provisions of this
75 13 Act, being deemed of immediate importance, take effect upon
75 14 enactment and apply on the dates specified:

75 15 1. The section of this Act amending 2010 Iowa Acts, chapter
75 16 1031, section 255, applies retroactively to March 10, 2010.

75 17 2. The section of this Act amending 2010 Iowa Acts, chapter
75 18 1082, section 4, applies retroactively to July 1, 2010.

75 19 3. The section of this Act amending 2010 Iowa Acts, chapter
75 20 1193, section 141, applies retroactively to January 1, 2011.

75 21 4. The section of this Act amending 2010 Iowa Acts, chapter
75 22 1193, section 203, applies retroactively to July 1, 2010.

75 23 EXPLANATION

75 24 This bill contains statutory corrections that adjust
75 25 language to reflect current practices, insert earlier
75 26 omissions, delete redundancies and inaccuracies, delete
75 27 temporary language, resolve inconsistencies and conflicts,
75 28 update ongoing provisions, or remove ambiguities. The Code
75 29 sections amended include the following:

75 30 DIVISION I. Code section 8.9: Strikes language within
75 31 this provision establishing the office of grants enterprise
75 32 management that cites to a provision within Code section 8A.505
75 33 that formerly provided a standing appropriation for the office,
75 34 but which was stricken by 2009 Iowa Acts, ch. 181, {38.

75 35 Code section 8A.207: Deletes the word "or" to correct the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

76 1 exception language pertaining to the contract procedures for
76 2 procurement of information technology that was added by 2010
76 3 Iowa Acts, ch. 1189, {36.
76 4 Code section 15.104: Strikes a reference to a three-year
76 5 strategic plan for economic growth that was eliminated in 2008
76 6 by 2008 Iowa Acts, ch. 1122, {5.
76 7 Code section 15.117A: Updates, within language designating
76 8 the membership of the Iowa innovation council, a reference to
76 9 the provision under which the chief information officer is
76 10 appointed. Code section 8A.104, subsection 12, was stricken
76 11 by 2010 Iowa Acts, ch. 1031, {1, and Code section 8A.201A was
76 12 enacted in 2010 Iowa Acts, ch. 1031, {8.
76 13 Code sections 15.119 and 422.33: Eliminate references to
76 14 Code section 422.11E, that previously provided for an assistive
76 15 device tax credit for individuals and was repealed by 2009 Iowa
76 16 Acts, ch. 179, {151.
76 17 Code section 15.333: Strikes paragraph "b" of subsection 1,
76 18 which relates to the receiving of refunds of unused tax credits
76 19 by businesses which produce value-added agricultural products
76 20 or which use biotechnology-related processes to conform to
76 21 changes made by 2010 Iowa Acts, ch. 1138, {27.
76 22 Code section 16.131A: Expands a citation string that
76 23 governs the applicability of the subchapter definitions
76 24 contained in this Code section to include a reference to Code
76 25 section 16.135, which was added to the subchapter in 2009 by
76 26 2009 Iowa Acts, ch. 72, {2.
76 27 Code section 16.135: Clarifies, by adding the words
76 28 "wastewater treatment", that the system referred to in this
76 29 provision relating to a wastewater viability assessment is a
76 30 wastewater treatment system and not a "water system" as defined
76 31 in Code section 16.131A.
76 32 Code sections 16.192, 16.193, and 16.195: Add references
76 33 to the Iowa jobs II program in language pertaining to the
76 34 administration of Iowa jobs programs to conform to changes made
76 35 by 2010 Iowa Acts, ch. 1184.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

77 1 Code section 28H.1: Corrects the date pertaining to the
77 2 signing of the executive order number 11 that established the
77 3 regions to be used for the coordination of state services.
77 4 Executive order number 11 was signed by Governor Harold Hughes
77 5 on February 19, 1968.

77 6 Code section 29A.43: Adds the words "or service" to conform
77 7 to other instances within this provision that describe the
77 8 reasons for absences from employment that cannot be used to
77 9 discriminate against employees who are also enlisted members
77 10 of the national guard, armed forces reserves, and civil air
77 11 patrol.

77 12 Code section 50.39: Replaces, in two instances, the word
77 13 "it" with the words "the state board of canvassers" to clarify
77 14 what entity is responsible for making the abstract of the
77 15 ballots and declaring the winner of an election.

77 16 Code section 52.2: Strikes, in Code section 52.2, an
77 17 obsolete provision that used to allow a county board of
77 18 supervisors to purchase and use voting machines in addition
77 19 to optical scan voting systems. Effective November 4, 2008,
77 20 optical scan voting systems are the only voting system that
77 21 is permissible in this state. An internal reference in Code
77 22 section 47.10 to the language which remains in Code section
77 23 52.2 is corrected in division III of the bill to reflect the
77 24 changes to Code section 52.2.

77 25 Code section 68A.401: Corrects the reference to the
77 26 provision which allows political committees that are registered
77 27 and filing full disclosure reports of all financial activities
77 28 with the federal election commission to file verified
77 29 statements.

77 30 Code section 80D.15: Repeals at the end of this division of
77 31 the bill this obsolete provision exempting certain auxiliary
77 32 civil defense police from provisions relating to reserve peace
77 33 officers. Auxiliary civil defense police officers no longer
77 34 exist in this state. Code chapter 29C now governs situations
77 35 in which civil defense police officers used to be utilized on



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

78 1 the local level. An internal reference to this Code section is
78 2 stricken from Code section 80D.5 in division III of the bill.
78 3 Code section 88.5: Corrects an internal reference relating
78 4 to the filing of complaints regarding railway sanitation and
78 5 shelter. The balance of the provisions in this Code section
78 6 have their own enforcement mechanisms and relate to different
78 7 health and safety issues.
78 8 Code section 89.3: Makes a technical correction and
78 9 clarifies the applicability of the criteria to be used to
78 10 determine the inspection schedule for certain boilers.
78 11 Code sections 89.5, 89A.3, and 546.10: Correct internal
78 12 references to purchase and publication requirements from which
78 13 certain state agencies are exempt to reflect 2010 changes made
78 14 in 2010 Iowa Acts, ch. 1031, to Code section 17A.6.
78 15 Code section 90A.11: Corrects a reference by changing the
78 16 word "section" to "subsection" to reflect the addition of new
78 17 civil penalties to this Code section by 2010 Iowa Acts, ch.
78 18 1122, {10.
78 19 Code section 91.4: Reorganizes this provision to separate
78 20 out the actual duties of the labor commissioner from other
78 21 mandatory and permissive requirements that may apply to or
78 22 affect the commissioner's duties.
78 23 Code section 97B.49A: Conforms language pertaining to
78 24 calculation of an Iowa public employees' retirement system
78 25 member's monthly allowance to changes made to the vesting by
78 26 service requirements in 2010 Iowa Acts, ch. 1167.
78 27 Code section 97C.3: Makes two technical changes and then
78 28 deletes language to substitute the actual effective date of
78 29 Code chapter 97C for language referring to that date in this
78 30 portion of the federal social security enabling Act.
78 31 Code section 99B.5A: Strikes a reference to Code section
78 32 174.1 in connection to a use of the term "fair" in this
78 33 provision permitting the conducting of bingo at a fair. The
78 34 term "fair" is defined for Code chapter 99B in Code section
78 35 99B.1, subsection 14, and describes a fair as an event, whereas



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

79 1 Code section 174.1 refers to an organization incorporated to
79 2 conduct those events.
79 3 Code section 100C.6: Substitutes the word "provided" for
79 4 "defined" in language describing the applicability of the
79 5 Code chapter regulating fire extinguishing and alarm systems
79 6 contractors and installers. Only some of the terms listed
79 7 are actually defined in Code section 100D.1, with the balance
79 8 of the term being described or included within other terms
79 9 instead.
79 10 Code sections 101.1 and 101.21: Move the definition of the
79 11 term "petroleum" from division II of this Code chapter relating
79 12 to combustible and flammable liquids and liquefied gases to
79 13 division I to conform to changes made by 2010 Iowa Acts,
79 14 ch. 1014, that removed the term from the text of the other
79 15 provisions within division II of Code chapter 101. The term is
79 16 still used in division I of the Code chapter.
79 17 Code sections 101.2, 101.3, and 424.2: Add language
79 18 relating to combustible liquids and liquefied natural gases to
79 19 reflect changes made in Code chapter 101 by 2010 Iowa Acts, ch.
79 20 1014.
79 21 Code section 101.22: Clarifies the meaning of an incomplete
79 22 sentence, consisting of several sentence fragments, that
79 23 describes the limitations on the circumstances under which a
79 24 person may convey or deposit a flammable or combustible liquid
79 25 in an unregistered aboveground storage tank.
79 26 Code section 103.25: Clarifies when a person, who fails
79 27 to file a late request for inspection of an electrical
79 28 installation after receiving notice, may become subject to a
79 29 civil penalty by specifying when the 14-day period begins to
79 30 run.
79 31 Code section 103.33: Conforms the use of the expression
79 32 "standards of construction for health safety and property
79 33 safety" to other uses of the same expression in this Code
79 34 chapter relating to the regulation of electricians and
79 35 electrical contractors.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

80 1 Code section 103A.27: Repeals at the end of this division
80 2 of the bill the provision establishing the commission on
80 3 energy efficiency standards and practices. The commission has
80 4 fulfilled all of its duties and submitted the required final
80 5 report to the general assembly on January 1, 2011.
80 6 Code section 123.53: Adds a reference to the revenue bonds
80 7 federal subsidy holdback fund in language relating to the
80 8 deposit of moneys into certain funds used to pay principal
80 9 and interest on bonds to conform to changes made in this Code
80 10 section by 2010 Iowa Acts, ch. 1184, {92.
80 11 Code section 135B.19: Changes the word "law" to "division"
80 12 to reflect that the provisions that may be cited as the
80 13 "pathology and radiology services in hospitals law" are
80 14 codified in a single division of Code chapter 135B.
80 15 Code section 163.30: Adds the words "state, federal or"
80 16 before the word "auction" to correct an inadvertent omission
80 17 made when this provision relating to the movement of swine to
80 18 slaughter or livestock market was amended by 2010 Iowa Acts,
80 19 ch. 1069, {21.
80 20 Code section 185C.29: Changes the words "this chapter" to
80 21 "the board" to conform to the language of Code section 185C.11
80 22 and to the wording of a similar provision, Code section 185.26.
80 23 Code sections 203D.1, 499.2, and 582.1: Add, in these three
80 24 definitional Code sections, the standard lead=in paragraph
80 25 used throughout the Code that describes the applicability
80 26 of these definitions within the Code chapters pertaining to
80 27 grain depositors and sellers indemnification, cooperative
80 28 associations, and hospital liens.
80 29 Code sections 207.1, 207.3, 207.16, 207.19, 207.21, and
80 30 207.22: Add in citations to the United States Code after
80 31 various public references in these provisions relating to the
80 32 regulation of mining to reflect the places in the federal Code
80 33 that the public laws were codified.
80 34 Code section 216A.6: Adds the words "or office" to
80 35 provisions that protect the confidentiality of evaluations



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

81 1 of information about a person receiving advocacy services
81 2 to conform to changes made to the subunit structure within
81 3 the department of human rights by 2010 Iowa Acts, ch. 1031.
81 4 The department previously consisted of the department and
81 5 divisions. 2010 Iowa Acts, ch. 1031, changed many of the
81 6 divisions into "offices", so that advocacy services previously
81 7 provided only by a division may now be provided by an "office".
81 8 Code sections 216A.96 and 216A.97: Strike references to
81 9 a "delegate agency" in these two provisions regulating the
81 10 administration of community action programs in communities to
81 11 conform changes made to Code section 216A.94 by 2010 Iowa Acts,
81 12 ch. 1031, which struck language providing for contracting by
81 13 a public agency with a delegate agency to assist a governing
81 14 board of a recognized community action agency.
81 15 Code section 216A.133A: Replaces an obsolete reference to
81 16 the former legislative government oversight committee with a
81 17 reference to the general assembly's standing committees on
81 18 government oversight in this provision requiring the criminal
81 19 and juvenile justice planning advisory council to submit
81 20 a report detailing all sources of funding annually. The
81 21 legislative government oversight committee was eliminated by
81 22 2009 Iowa Acts, ch. 86.
81 23 Code section 217.6: Numbers the paragraphs, updates the
81 24 headnote, and moves a sentence relating to the organization of
81 25 the department of human services with other language relating
81 26 to initial internal divisions within that department.
81 27 Code section 225C.5: Replaces the words "who is" with the
81 28 words "shall be" to conform this provision to the style and
81 29 syntax within other provisions describing the membership of the
81 30 mental health and disability services commission.
81 31 Code section 225C.6: Adds language to complete an
81 32 incomplete sentence in this provision describing a duty of the
81 33 mental health and disability services commission.
81 34 Code section 229.22: Adds the words "facility or" before
81 35 the word "hospital" to conform to other changes made by 2010



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

82 1 Iowa Acts, ch. 1103, to this provision relating to the initial
82 2 transportation or delivery of a person believed to be seriously
82 3 mentally impaired to a placement for evaluation.
82 4 Code section 229.39: Updates the citation to an Iowa Act
82 5 to conform to current Iowa Act citation form in this provision
82 6 relating to the status of persons hospitalized for treatment of
82 7 mental illness under a former civil commitment law.
82 8 Code section 231.62: Strikes from this provision requiring
82 9 the department on aging to consult with the direct care worker
82 10 task force when adopting rules to implement training and
82 11 education provisions on Alzheimer's disease. The direct care
82 12 worker task force was abolished by 2008 Iowa Acts, ch. 1156,
82 13 {54.
82 14 Code section 232.172: Strikes two references to the 2009
82 15 Code version of Code section 232.171, which were added by 2010
82 16 Acts, ch. 1192, to this provision referencing the interstate
82 17 compacts on juveniles. The addition of a reference to a prior
82 18 Code is used to indicate the repeal of a provision, but Code
82 19 section 232.171 was not repealed in 2010 and exists in the 2011
82 20 Code.
82 21 Code section 232C.4: Changes the word "child" to the
82 22 word "minor" to conform to other references to nonadults in
82 23 all of the other provisions in this Code chapter relating to
82 24 emancipation of minors.
82 25 Code section 234.7: Strikes a cap of "not more than three
82 26 hundred" children "at any one time" to conform to changes made
82 27 by 2010 Iowa Acts, ch. 1141, {10 to Code section 249J.13, which
82 28 references the criteria in this Code section.
82 29 Code section 234.35: Strikes, in this provision relating
82 30 to when foster care services payments may still be made for
82 31 18-year-old children, the words "graduate equivalency" and
82 32 adds the words "general education development" to correct this
82 33 reference to the type of diploma obtainable by a person who has
82 34 not graduated from high school but can demonstrate equivalent
82 35 educational attainments.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

83 1 Code section 235B.1: Corrects the total number of members
83 2 and the number of gubernatorial appointees that serve on the
83 3 dependent adult protective advisory council. The numbers
83 4 reflected in these corrections conform to other language which
83 5 specifies the qualifications that the members must possess.
83 6 Code section 249M.3: Adds the words "or as reported under
83 7 subsection 4, if applicable" to language describing the reports
83 8 of net patient revenue that can be used for health care access
83 9 assessment under the hospital health care access assessment
83 10 program. Hospitals that report under subsection 4 were not
83 11 in existence prior to fiscal year 2008 and could not have
83 12 submitted the other type of report referenced.
83 13 Code section 256B.3: Deletes, in this provision requiring
83 14 cooperation by the division of special education of the
83 15 department of education with other agencies concerning the
83 16 welfare and health of children requiring special education,
83 17 a reference to the state tuberculosis sanatorium. The state
83 18 tuberculosis sanatorium was located in Oakdale, Iowa, until
83 19 sometime in the 1960s, when it was closed and transferred to
83 20 University of Iowa ownership.
83 21 Code section 256F.5: Adds the word "charter" before the
83 22 word "school" in this provision relating to the organization of
83 23 charter or innovation zone schools to conform to language later
83 24 in the same sentence and elsewhere in Code chapter 256F.
83 25 Code section 256H.1: Adds an indefinite article "a" in
83 26 two places to clarify language describing the composition of
83 27 the state council that provides for the coordination of the
83 28 activities of state government to participate in the interstate
83 29 compact on education of military children.
83 30 Code section 260C.69: Strikes the word "students" from
83 31 language requiring a community college to set aside dormitory
83 32 space for certain purposes because the purposes listed include
83 33 child care arrangements for faculty and staff, in addition to
83 34 child care arrangements for students.
83 35 Code section 260G.6: Moves language relating to the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

84 1 timeframe for approval or denial of program capital cost
84 2 requests by the department of economic development out of
84 3 language stating the requirements for receiving funding for a
84 4 capital project under the accelerated career education program.
84 5 Code sections 262.30, 263.1, and 266.2: Change references
84 6 to the training of teachers to refer to practitioner
84 7 preparation in these provisions describing the programs
84 8 provided through the state universities under the control of
84 9 the state board of regents, to conform to the definitions
84 10 used in Code chapter 272 describing the educational programs
84 11 designed to prepare a person to instruct students in the
84 12 elementary and secondary schools in Iowa.
84 13 Code section 263.8: Updates language in and numbers the
84 14 paragraphs in this Code section relating to charges for tests
84 15 performed by the state hygienic laboratory.
84 16 Code section 273.11: Deletes an obsolete deadline for
84 17 adoption of standards and rules by the state board of education
84 18 for the accreditation of area education agencies.
84 19 Code section 284.1: Replaces the word "five" with "four"
84 20 to reflect that there are only four elements listed for the
84 21 student achievement and teacher quality program. The fifth
84 22 element was stricken by 2007 Iowa Acts, ch. 108, {12.
84 23 Code section 284.6: Replaces the word "its" with the words
84 24 "a school district's or area education agency's" in this
84 25 provision requiring that funds received by those two entities
84 26 under Code sections 257.10 and 257.37A for professional
84 27 development be maintained as separate listings within their
84 28 respective budgets.
84 29 Code section 301.1: Changes the word "use" to "purposes"
84 30 to correct the syntax of the sentence relating to when moneys
84 31 for the adoption and purchase of personal computing devices
84 32 that are provided to public schools may be, to the extent that
84 33 funding is available, also made available to private schools.
84 34 Code section 309.37: Restructures this provision describing
84 35 a portion of the contents of the county engineer's survey of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

85 1 secondary roads under the annual secondary road construction
85 2 program, to conform the Code section to standard Code
85 3 hierarchy.
85 4 Code section 312.4: Restructures this subsection describing
85 5 part of the contents of the monthly report by the treasurer of
85 6 state regarding the crediting of funds from the road use tax
85 7 fund to other road funds to conform to standard Code hierarchy.
85 8 Code section 314.28: Strikes obsolete references to
85 9 transfers of funds from Code sections 422.12A and 422.12G
85 10 to the keep Iowa beautiful fund. Both Code sections were
85 11 repealed, in 2005 and 2007 respectively, pursuant to the terms
85 12 of Code section 422.12E.
85 13 Code section 317.1A: Updates the Latin names ascribed to
85 14 plants classified as noxious weeds pursuant to Code chapter
85 15 317.
85 16 Code section 321.190: Strikes paragraph "e" of subsection
85 17 1, which states that fees from nonoperator's identification
85 18 cards are to be credited to the road use tax fund to conform
85 19 this provision to changes made in 2008 Iowa Acts, ch. 1113,
85 20 known as the TIME=21 legislation. In that legislation,
85 21 Code section 321.145 was amended to direct that those same
85 22 nonoperator's fees be deposited in the statutory allocations
85 23 fund.
85 24 Code section 321G.29: Corrects an incorrect reference
85 25 in subsection 1 of this Code section to subsection 5 of
85 26 Code section 321G.4. There are only four subsections in
85 27 Code section 321G.4, and subsection 4 is the subsection that
85 28 provides an exemption for certain snowmobiles from annual
85 29 registration and fee requirements if the snowmobile has been
85 30 registered and a one=time fee has been paid.
85 31 Code section 327H.20A: Strikes the words "it was" and
85 32 substitutes the words "the moneys were" to clarify what was
85 33 appropriated from the railroad revolving loan and grant fund
85 34 and to correct the grammar of the sentence.
85 35 Code section 330.20: Clarifies, by adding the words "in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

86 1 the same manner", language describing how vacancies in the
86 2 membership of an airport commission are to be filled.
86 3 Code section 330A.10: Changes the word "on" to "by" to
86 4 update language relating to how payments of moneys of an
86 5 aviation authority are to be paid out of accounts by the
86 6 treasurer of the authority.
86 7 Code sections 331.402 and 636.45: Removes or updates
86 8 references to building and loan associations in these two Code
86 9 sections so that only "savings and loan associations", which is
86 10 the term currently used to describe those entities, remains.
86 11 Code sections 331.449 and 331.470: Strikes the words "this
86 12 Act" and replaces them with the citation to the 1981 Iowa
86 13 Act that is referred to in these two savings provisions that
86 14 relate to the issuance of certain bonds or other obligations
86 15 by counties.
86 16 Code section 357I.2: Replaces the word "petitioner" with
86 17 "petitioners" in language relating to petitions for proposed
86 18 benefited secondary road services districts, because, under
86 19 subsection 1, petitions must be signed by at least 25 percent
86 20 of the resident owners of the proposed district.
86 21 Code section 360.9: Replaces the word "above" with the words
86 22 "in this section" to clarify an internal reference relating to
86 23 the right of reversion of an owner of property that has been
86 24 taken under eminent domain procedures by a township for public
86 25 use.
86 26 Code section 403.11: Updates language relating to exemption
86 27 of municipal property from legal process to conform to current
86 28 Code style and to improve readability.
86 29 Code section 403A.2: Restructures and rewrites the language
86 30 of this definition of housing project to conform to current
86 31 Code hierarchy, to eliminate unanchored unnumbered paragraphs,
86 32 and to improve readability.
86 33 Code section 404A.4: Replaces the word "department" with
86 34 the word "office" in this language relating to reservation of
86 35 historic preservation and cultural and entertainment district



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

87 1 tax credits. The tax credits are reserved by the state
87 2 historic preservation office of the department of cultural
87 3 affairs.
87 4 Code section 411.38: Adds the words "Code 2009" in three
87 5 instances after a citation to Code section 411.20. Code
87 6 section 411.20 was repealed by 2010 Iowa Acts, ch. 1167, {53.
87 7 Code section 419.11: Numbers paragraphs and changes an
87 8 internal reference to reflect the new numbering in this Code
87 9 section relating to payment by municipalities of moneys as the
87 10 tax equivalent for industrial property used as headquarters
87 11 facilities or pollution control facilities.
87 12 Code section 420.207: Corrects a string citation by
87 13 eliminating a reference to Code section 444.5 in this provision
87 14 pertaining to taxation by special charter cities. Code section
87 15 444.5 was repealed by 1983 Iowa Acts, ch. 101, {129.
87 16 Code section 420.241: Corrects a string citation that
87 17 currently extends from one Code chapter into another and
87 18 prevents proper hypertext linkage. The correction breaks the
87 19 citation string at the end of the first Code chapter and then
87 20 adds the remaining Code section from the second Code chapter.
87 21 Code section 422.1: Updates the provision in the Code
87 22 chapter governing income taxation that sets out the various
87 23 Code chapter divisions to reflect the repeal of the livestock
87 24 production tax credit by 2009 Iowa Acts, ch. 179.
87 25 Code section 441.8: Restructures, numbers, and letters
87 26 unnumbered paragraphs, deletes an obsolete effective date, and
87 27 corrects an internal reference in this provision relating to
87 28 the term of office of county assessors and continuing education
87 29 requirements for county assessors.
87 30 Code section 450.10: Updates language, letters unnumbered
87 31 paragraphs, and combines sentence fragments within paragraphs
87 32 in this provision relating to inheritance tax rates.
87 33 Code section 452A.74: Renumbers this penalty provision in
87 34 the motor and special fuel taxes Code chapter to eliminate
87 35 unanchored unnumbered paragraphs and replaces the word "its" in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

88 1 language referring to the commission of an offense under the
88 2 Code chapter with more specific language referring to the date
88 3 of commission of the offense.
88 4 Code section 455B.473A: Repeals at the end of this division
88 5 of the bill an obsolete amnesty program for certain petroleum
88 6 underground storage tanks which were not registered prior to
88 7 July 1, 1988, but were registered by October 1, 1989.
88 8 Code section 455D.11C: Strikes obsolete language relating
88 9 to deposit of waste tire surcharges on the issuance of
88 10 certificates of title in this provision establishing the waste
88 11 tire management fund.
88 12 Code section 455G.31: Redesignates and moves language
88 13 in a set of definitions relating to E=85 gasoline storage
88 14 and dispensing infrastructure. The language moved is not a
88 15 definition or part of a definition.
88 16 Code section 455J.6: Clarifies language relating to the
88 17 effect of a vacancy in the membership of the solid waste
88 18 alternative program advisory council on the council's ability
88 19 to perform council duties.
88 20 Code section 461A.57: Adds the language "unless otherwise
88 21 provided", to this provision that states that persons violating
88 22 the provisions of Code sections 461A.35 to 461A.56 are guilty
88 23 of a simple misdemeanor to accommodate the fact that the
88 24 penalties associated with several of the provisions are
88 25 scheduled fines under Code section 805.8A.
88 26 Code section 461A.76: Numbers this provision relating to
88 27 contracts for the establishment of water recreational areas,
88 28 deletes the word "said" before an internal reference, and
88 29 adds a missing "notwithstanding" at the beginning of the Code
88 30 section.
88 31 Code section 465B.2: Restructures, partially rewrites,
88 32 and redesignates this provision establishing the state trails
88 33 development program to make the language of this Code section
88 34 more consistent with the objectives and requirements stated.
88 35 Code section 481A.19: Strikes the words "for it" which



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

89 1 appear to refer back to plural forms of the taking of different
89 2 animals to improve the grammar of this provision relating to
89 3 reciprocal state licenses for hunting and fishing.

89 4 Code section 481C.2A: Strikes an obsolete deadline in this
89 5 provision requiring the department of natural resources to
89 6 make available educational materials that explain the deer
89 7 depredation management program.

89 8 Code section 482.9: Conforms the language of a provision
89 9 prohibiting the use of licensed commercial fishing gear by
89 10 persons other than the licensee with Code section 482.7,
89 11 which permits certain persons to do so when under the direct
89 12 supervision of the licensee.

89 13 Code section 482.10: Adds the words "turtle eggs" at the
89 14 beginning of subsection 2 of this Code section regulating
89 15 the intrastate and interstate shipment of fish, turtles,
89 16 turtle eggs, roe, or roe species to make the language of the
89 17 subsection internally consistent.

89 18 Code section 483A.1A: Strikes a citation to Code section
89 19 484A.2 from this definition of the term "resident" for purposes
89 20 of delineating eligibility for resident fishing and hunting
89 21 licenses because Code section 484A.2 relates only to whether
89 22 a person who is 16 years of age or older must pay a migratory
89 23 game bird fee.

89 24 Code section 483A.12: Adds the word "and" to a series that
89 25 describes the fees that a license agent is responsible for and
89 26 adds the word "hunting" in language describing the free deer or
89 27 wild turkey hunting license writing fee.

89 28 Code section 483A.31: Strikes the words "its own" and adds
89 29 the words "of this state" to correct the grammar in language
89 30 describing the nature of rights, privileges, and immunities
89 31 conferred under reciprocal licensing arrangements between
89 32 states.

89 33 Code section 499A.1: Strikes the word "corporation" and
89 34 inserts the word "cooperative" in this provision relating
89 35 to housing cooperatives to conform with the balance of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

90 1 language in subchapter 1 of Code chapter 499A.
90 2 Code section 508.33: Rewrites for clarity and restructures
90 3 this provision relating to acquisition of subsidiary companies
90 4 by life insurance companies, to conform to current Code
90 5 structures and hierarchy.
90 6 Code section 514G.105: Adds the word "nursing" between the
90 7 words "skilled" and "care" to conform to other language in this
90 8 provision relating health insurance coverage for that type of
90 9 care that is provided in a facility.
90 10 Code section 514G.110: Replaces the word "its" with the
90 11 words "the commissioner's" in language describing the insurance
90 12 commissioner's input into the independent review of health care
90 13 benefit trigger determinations process.
90 14 Code section 514I.5: Adds reference to the four ex officio,
90 15 nonvoting members of the hawk=i board in language describing
90 16 the membership of that board.
90 17 Code section 524.310: Adds in references to reservation
90 18 of names under the limited liability company chapter in this
90 19 provision requiring state banks that use a fictitious name to
90 20 transact business to comply with requirements that the name be
90 21 distinguishable from the names used by other similar business
90 22 entities. Code chapter 524 currently does permit state banks
90 23 to organize as a limited liability company.
90 24 Code sections 524.1406, 633.3, and 633A.3112: Adds
90 25 references to state estate taxes in these provisions to conform
90 26 to changes made by 2010 Iowa Acts, ch. 1138.
90 27 Code section 533.111: Changes a reference to the director
90 28 of revenue to the director of the department of administrative
90 29 services in language relating to the manner in which funds
90 30 appropriated to the credit union division may be spent to
90 31 conform to changes made by 2003 Iowa Acts, ch. 145.
90 32 Code section 533.204: Restructures subsection 5, relating
90 33 to state credit unions wishing to maintain a board of directors
90 34 with fewer than nine members, to eliminate unanchored
90 35 unnumbered paragraphs and to change the word "may" to "shall"



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

91 1 in language that prohibits the superintendent of credit unions
91 2 from permitting a state credit union to maintain a board with
91 3 fewer than seven members.
91 4 Code section 533.205: Replaces the word "its" with the words
91 5 "the board's" in language permitting a state credit union board
91 6 to appoint an executive committee to act on the board's behalf.
91 7 Code section 533.207: Adds the word "committee" in front of
91 8 the word "member" to clarify the notice procedures that must be
91 9 followed before the credit committee of a state credit union
91 10 may meet.
91 11 Code section 533.315: Adds a reference to Code chapter 537,
91 12 that applies to consumer loans made by state credit unions and
91 13 replaces the word "code" with the word "chapter" to clarify
91 14 that Code chapter 537 is being referred to, not the entire Iowa
91 15 Code.
91 16 Code section 533.404: Strikes the word "and" and adds the
91 17 word "are" to correct the grammar of a series that describes
91 18 what happens to funds for which no owner or no competent owner
91 19 can be found if a state credit union holding those funds
91 20 dissolves.
91 21 Code section 533.505: Corrects an internal reference to
91 22 language in this provision relating to state credit unions
91 23 which are in receivership. Subsection 1 of this Code section
91 24 provides for the issuance of a subpoena to compel witnesses to
91 25 appear and subsection 3 provides for the issuance of a court
91 26 order to compel compliance with the subpoena.
91 27 Code section 534.202: Rewrites and restructures
91 28 this provision relating to the power of savings and loan
91 29 associations to purchase and make loans, to conform to current
91 30 Code structures and hierarchy.
91 31 Code section 535B.1: Strikes a comma in the subsection
91 32 8 definition of natural person in the mortgage bankers
91 33 and brokers Code chapter to conform the language to nearly
91 34 identical language contained in subsection 7.
91 35 Code section 600.11: Moves language to correct a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

92 1 codification error which occurred in 2002 when paragraph "f"
92 2 was added to subsection 2 of this section by 2002 Iowa Acts,
92 3 ch. 1018, {20, and redesignates the provision to eliminate
92 4 unanchored unnumbered paragraphs.
92 5 Code section 600C.1: Changes the word "subsection" to
92 6 "section" to reflect the use of the term defined in subsection
92 7 5 in other portions of this Code section 600C.1.
92 8 Code section 602.8105: Adds the words "from the debtor"
92 9 in language describing from whom a creditor may recover a fee
92 10 for the filing of praecipe to issue execution to collect on a
92 11 delinquent judgment.
92 12 Code section 602.8109: Adds the word "day" in language in
92 13 subsection 6 that describes the timeframe within which a city
92 14 must remit amounts owing for court costs and other fees. The
92 15 addition of the word is consistent with the description of
92 16 similar timeframes in other subsections in this Code section.
92 17 Code section 626D.5: Strikes the words "recognize and
92 18 enforce or" from language that precedes a listing of what
92 19 appear to be reasons not to enforce a tribal judgment. The
92 20 reasons listed include obtaining the tribal judgment by
92 21 extrinsic fraud, conflict with another judgment entitled to
92 22 recognition, inconsistency with the parties' choice of forum,
92 23 lack of reciprocal recognition of judgments, and causes of
92 24 action being repugnant to fundamental public policy of the
92 25 United States or this state.
92 26 Code section 633.231: Changes the word "executor" to the
92 27 word "administrator" in language added by 2010 Iowa Acts, ch.
92 28 1137, {4 to the notice language in this provision relating to
92 29 medical assistance claims in intestate estates to conform to
92 30 the term used throughout this Code section to describe the
92 31 individual charged with administration of an estate.
92 32 Code section 633.717: Adds a citation to the Code provision,
92 33 Code section 633.566, under which a person may seek appointment
92 34 as a conservator in this state, to this provision which relates
92 35 to an out-of-state guardian or conservator petitioning to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

93 1 become a guardian or conservator in this state in the event
93 2 that a court denies a petition to transfer a guardianship or
93 3 conservatorship from another state.
93 4 Code section 654.6: Adds the words "an amount which" in
93 5 language which describes the circumstances after the sale of
93 6 mortgaged property under which a general execution may be
93 7 issued against a mortgagor.
93 8 Code section 692A.113: Adds the word "a" before words
93 9 describing one of the areas in use by a minor that a registered
93 10 sex offender is prohibited from loitering on or being within
93 11 300 feet of.
93 12 Code section 707.6A: Changes a reference to a definition
93 13 of serious injury from a reference to Code section 321J.1
93 14 to a reference to Code section 702.8 in this Code section
93 15 establishing the offense of homicide by vehicle. Code section
93 16 321J.1 defines serious injury as serious injury as defined in
93 17 Code section 702.8.
93 18 Code section 714.8: Changes a reference to a definition of
93 19 financial institution from a reference to Code section 203C.1
93 20 to a reference to Code section 203.1 in this Code section
93 21 establishing the offense of fraudulent practices. Code section
93 22 203C.1 defines financial institution as a financial institution
93 23 as defined in Code section 203.1.
93 24 Code section 717F.1: Changes language in the definition
93 25 of the term "research facility" in the dangerous wild animals
93 26 Code chapter to reflect changes in certification procedures for
93 27 certain facilities made by 2010 Iowa Acts, ch. 1030.
93 28 Code section 728.8: Corrects an internal reference to a
93 29 subsection in Code section 728.5 in this provision relating to
93 30 public indecent exposure in certain establishments to reflect
93 31 the renumbering of Code section 728.5 by 2010 Iowa Acts, ch.
93 32 1078.
93 33 Code section 731.8: Adds a citation to the location of the
93 34 codified version of the federal Railway Labor Act in the United
93 35 States Code in a provision that exempts employers or employees



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

94 1 covered by that federal Act from state labor union membership
94 2 regulation.
94 3 Code section 805.8A: Changes the word "violation" to "fine"
94 4 in several places in this provision that sets scheduled fines
94 5 for various motor vehicle and transportation violations to make
94 6 the language of this provision internally consistent.
94 7 Code sections 907.3 and 908.11: Changes the word "term" to
94 8 the word "period" in language that describes initial commitment
94 9 and subsequent changes to the length of probation to conform
94 10 these provisions relating to commitment to and violations of
94 11 probation to changes made to Code section 907.7 by 2010 Iowa
94 12 Acts, ch. 1175, {1.
94 13 Code section 915.86: Adds the word "homicide" before the
94 14 word "victim" in this provision describing expenses that are
94 15 compensable for survivors of the victim to conform the language
94 16 of this subsection 14 to subsection 10, which is referenced in
94 17 this subsection.
94 18 2010 Iowa Acts, ch. 1031: Corrects an effective date
94 19 provision relating to the repeal of the sustainable natural
94 20 resource funding advisory committee.
94 21 2010 Iowa Acts, ch. 1082: Corrects an internal reference
94 22 within an amendment to Code section 203C.37 to reflect the
94 23 correct citation to the provision pertaining to the filing of
94 24 an application for a warehouse operator's license.
94 25 2010 Iowa Acts, ch. 1193, {141: Corrects an internal
94 26 reference to conform to the other instance of the citation to
94 27 the correct Code section enacted by 2010 Iowa Acts, S.F. 2383
94 28 (ch. 1146).
94 29 2010 Iowa Acts, ch. 1193, {203: Corrects a reference to the
94 30 section of 2010 Iowa Acts, S.F. 2356 (ch. 1134), in which Code
94 31 section 249J.7 was enacted.
94 32 DIVISION II. Code sections in Volume IV of the Iowa Code
94 33 are numbered, renumbered, and redesignated within this division
94 34 of this bill to assist in the elimination of "unanchored"
94 35 unnumbered paragraphs within numbered and lettered sections of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 185 continued

95 1 the Code. These renumberings include some restructuring of
95 2 provisions within these Code sections and the correction of
95 3 internal references within these provisions. In some cases,
95 4 similar provisions are consolidated and in others they are
95 5 broken into numbered or lettered lists to allow the reader to
95 6 better identify Code section components. In the process of
95 7 renumbering, some style changes are made to reflect current
95 8 Code format, style, and syntax.

95 9 DIVISION III. This division contains internal reference
95 10 corrections that pertain to provisions within other divisions
95 11 of this bill.

95 12 DIVISION IV. This division contains effective and
95 13 retroactive applicability dates that apply to various changes
95 14 made in Division I of this bill.

LSB 2378HC (2) 84

lh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 186

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to residential contractors and providing a
2 penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2674YC (2) 84
je/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 186 continued

PAG LIN

1 1 Section 1. NEW SECTION. 103A.71 Residential contractors.
1 2 1. As used in this section:
1 3 a. "Residential contractor" means a person in the business
1 4 of contracting to repair or replace roof systems or perform
1 5 any other exterior repair, replacement, construction, or
1 6 reconstruction work on residential real estate or a person
1 7 offering to contract with an owner or possessor of residential
1 8 real estate to carry out such work.
1 9 b. "Residential real estate" means a new or existing
1 10 building, including a detached garage, constructed for
1 11 habitation by one to four families.
1 12 c. "Roof system" includes roof coverings, roof sheathing,
1 13 roof weatherproofing, and roof insulation.
1 14 2. A residential contractor shall not advertise or promise
1 15 to pay anything of value or rebate any insurance deductible
1 16 or any portion thereof as an inducement to the sale of goods
1 17 or services. A promise to pay anything of value or rebate
1 18 any insurance deductible includes granting any allowance or
1 19 offering any discount against the fees to be charged or paying
1 20 an insured or a person directly or indirectly associated with
1 21 the property any form of compensation, gift, prize, bonus,
1 22 coupon, credit, referral fee, or other item of monetary value
1 23 for any reason, including but not limited to permitting the
1 24 residential contractor to display a sign or any other type of
1 25 advertisement at the insured's premises.
1 26 3. A person who has entered into a written contract with
1 27 a residential contractor providing goods or services to be
1 28 paid from the proceeds of a property and casualty insurance
1 29 policy may cancel the contract prior to midnight on the fifth
1 30 business day after the person has received written notice from
1 31 the person's insurer that all or part of the claim or contract
1 32 is not a covered loss under the insurance policy. Cancellation
1 33 shall be evidenced by the person giving written notice of the
1 34 cancellation to the residential contractor at the address of
1 35 the residential contractor's place of business as stated in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 186 continued

2 1 the contract. Notice of cancellation given by mail shall be
2 2 effective upon deposit into the United States mail with prepaid
2 3 postage, if properly addressed to the residential contractor.
2 4 Notice of cancellation need not take a particular form, and
2 5 is sufficient if the notice indicates, by any form of written
2 6 expression, the intent of the insured not to be bound by the
2 7 contract.
2 8 4. Before entering into a contract to provide goods or
2 9 services to be paid from the proceeds of a property and
2 10 casualty insurance policy, a residential contractor shall
2 11 provide the insured along with the contract all of the
2 12 following documents in substantially the following form:
2 13 a. The following statement in at least ten=point bold type:
2 14 RIGHT OF CANCELLATION
2 15 You may cancel this contract at any time before midnight
2 16 on the fifth business day after you have received written
2 17 notification from your insurer that all or any part of the
2 18 claim or contract is not a covered loss under your insurance
2 19 policy. See the attached notice of cancellation form for an
2 20 explanation of this right.
2 21 b. A fully completed duplicate form which shall be attached
2 22 to the contract, but easily detachable, and which shall contain
2 23 the following statement in at least ten=point bold type:
2 24 NOTICE OF CANCELLATION
2 25 If you are notified by your insurer that all or any part
2 26 of the claim or contract is not a covered loss under your
2 27 insurance policy, you may cancel the contract by mailing
2 28 or delivering a signed and dated copy of this cancellation
2 29 notice or any other written notice of cancellation to (name of
2 30 contractor) at (address of contractor's place of business) at
2 31 any time prior to midnight on the fifth business day after you
2 32 have received such notice from your insurer. If you cancel the
2 33 contract, any payments made by you under the contract will be
2 34 returned to you within ten business days following receipt by
2 35 the contractor of your cancellation notice.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 186 continued

3 1 I hereby cancel this contract.

3 2 _____

3 3 Date

3 4 _____

3 5 Insured's signature

3 6 5. Within ten days after a contract to provide goods
3 7 or services to be paid from the proceeds of a property and
3 8 casualty insurance policy has been canceled by notification
3 9 pursuant to this section, the residential contractor shall
3 10 tender to the person canceling the contract any payments,
3 11 partial payments, or deposits made by the person and any note
3 12 or other evidence of indebtedness. However, if the residential
3 13 contractor has performed any emergency services, acknowledged
3 14 by the person in writing to be necessary to prevent damage to
3 15 the premises, the residential contractor shall be entitled to
3 16 be paid the reasonable value of such services. Any provision
3 17 in a contract to provide goods or services to be paid from
3 18 the proceeds of a property and casualty insurance policy that
3 19 requires the payment of any fee which is not for emergency
3 20 services shall not be enforceable against any person who has
3 21 canceled a contract pursuant to this section.

3 22 6. A residential contractor shall not represent or
3 23 negotiate on behalf of, or offer or advertise to represent or
3 24 negotiate on behalf of, an owner or possessor of residential
3 25 real estate on any insurance claim in connection with the
3 26 repair or replacement of roof systems, or the performance
3 27 of any other exterior repair, replacement, construction, or
3 28 reconstruction work on the residential real estate.

3 29 7. A residential contractor violating this section is
3 30 subject to the penalties and remedies prescribed by this
3 31 chapter.

3 32 Sec. 2. APPLICABILITY. This Act applies to contracts
3 33 entered into on or after the effective date of this Act.

3 34 EXPLANATION

3 35 This bill prohibits a residential contractor from



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 186 continued

4 1 advertising or promising to pay anything of value or rebate any
4 2 insurance deductible or any portion thereof as an inducement
4 3 to the sale of goods or services. The bill specifies that such
4 4 a promise to pay or rebate includes granting any allowance or
4 5 offering any discount against the fees to be charged or paying
4 6 an insured or a person associated with the property any form
4 7 of compensation, gift, prize, bonus, coupon, credit, referral
4 8 fee, or other item of monetary value for any reason, including
4 9 permitting the residential contractor to display a sign or any
4 10 other type of advertisement at the insured's premises.

4 11 The bill provides that a person who has entered into a
4 12 written contract with a residential contractor to provide
4 13 goods or services to be paid from the proceeds of a property
4 14 and casualty insurance policy may cancel the contract prior
4 15 to midnight on the fifth business day after the person has
4 16 received written notice from the insurer that all or part of
4 17 the claim or contract is not a covered loss under the insurance
4 18 policy. The bill specifies that cancellation is evidenced by
4 19 the person giving written notice of the cancellation to the
4 20 residential contractor at the residential contractor's address
4 21 as stated in the contract. The bill provides that notice
4 22 of cancellation given by mail becomes effective upon deposit
4 23 into the United States mail with prepaid postage, if properly
4 24 addressed to the residential contractor. The bill specifies
4 25 that notice of cancellation need not take a particular form,
4 26 and is sufficient if the notice indicates, by any form of
4 27 written expression, the intent of the insured not to be bound
4 28 by the contract.

4 29 The bill provides that before entering into a contract
4 30 to provide goods or services to be paid from the proceeds
4 31 of a property and casualty insurance policy, a residential
4 32 contractor must provide the insured with two documents, which
4 33 must be formatted substantially as set out in the bill, along
4 34 with the contract. The first document notifies the person of
4 35 the person's right to cancel the contract at any time before



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 186 continued

5 1 midnight on the fifth business day after receiving written
5 2 notification from the person's insurer that all or any part of
5 3 the claim or contract is not a covered loss under the person's
5 4 insurance policy. The first document must direct the attention
5 5 of the person to the second document, which must be attached
5 6 to the contract. The second document is a cancellation notice
5 7 which the person may return to the residential contractor to
5 8 exercise the person's cancellation rights as provided by the
5 9 bill.

5 10 The bill provides that within 10 days after a contract to
5 11 provide goods or services to be paid from the proceeds of
5 12 a property and casualty insurance policy has been canceled
5 13 pursuant to the bill, the residential contractor must tender
5 14 to the person any payments, partial payments, or deposits made
5 15 by the person and any note or other evidence of indebtedness.
5 16 The bill provides that if the residential contractor performed
5 17 any emergency services which were acknowledged by the insured
5 18 in writing to be necessary to prevent damage to the premises,
5 19 the residential contractor shall be entitled to the reasonable
5 20 value of such services. The bill provides that any provision
5 21 in a contract to provide goods or services to be paid from
5 22 the proceeds of a property and casualty insurance policy that
5 23 requires the payment of a fee which is not for emergency
5 24 services is unenforceable against any person who has canceled a
5 25 contract pursuant to the bill.

5 26 The bill prohibits a residential contractor from
5 27 representing or negotiating on behalf of, or offering or
5 28 advertising to represent or negotiate on behalf of, an owner
5 29 or possessor of residential real estate on any insurance claim
5 30 in connection with the repair or replacement of roof systems,
5 31 or the performance of any other exterior repair, replacement,
5 32 construction, or reconstruction work.

5 33 A violation of the bill by a residential contractor is a
5 34 simple misdemeanor pursuant to Code section 103A.21(3). A
5 35 simple misdemeanor is punishable by confinement for no more



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 186 continued

6 1 than 30 days or a fine of at least \$65 but not more than \$625
6 2 or by both. The state building code commissioner may file a
6 3 petition in the district court and obtain injunctive relief for
6 4 any violation of the bill pursuant to Code section 103A.21(3).
6 5 The bill applies to contracts entered into on or after the
6 6 effective date of the bill.

LSB 2674YC (2) 84

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 187

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to matters under the purview of the alcoholic
2 beverages division of the department of commerce, including
3 alcoholic beverage permits and licenses and administrative
4 provisions, modifying fees, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2700YC (3) 84
rn/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 187 continued

PAG LIN

1 1 Section 1. Section 123.3, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 014A. "Grocery store" means any retail
1 4 establishment, the business of which consists of the sale of
1 5 food, food products, or beverages for consumption off the
1 6 premises.
1 7 NEW SUBSECTION. 022A. "Micro=distilled spirits" means
1 8 distilled spirits fermented, distilled, or, for a period of
1 9 two years, barrel matured on the licensed premises of the
1 10 micro=distillery where fermented, distilled, or matured.
1 11 "Micro=distilled spirits" also includes blended or mixed spirits
1 12 comprised solely of spirits fermented, distilled, or, for a
1 13 period of two years, barrel matured at a micro=distillery.
1 14 NEW SUBSECTION. 022B. "Micro=distillery" means a business
1 15 with an operational still which, combining all production
1 16 facilities of the business, produces and manufactures less than
1 17 fifty thousand proof gallons of distilled spirits on an annual
1 18 basis.
1 19 NEW SUBSECTION. 26A. "Pharmacy" means a drug store in
1 20 which drugs and medicines are exposed for sale and sold at
1 21 retail, or in which prescriptions of licensed physicians and
1 22 surgeons, dentists, or veterinarians are compounded and sold by
1 23 a registered pharmacist.
1 24 NEW SUBSECTION. 32A. "School" means a public or private
1 25 school or that portion of a public or private school which
1 26 provides facilities for teaching any grade from kindergarten
1 27 through grade twelve.
1 28 Sec. 2. Section 123.3, subsection 14A, Code 2011, is amended
1 29 to read as follows:
1 30 14A. "High alcoholic content beer" means beer which contains
1 31 more than five percent of alcohol by weight, but not more
1 32 than twelve percent of alcohol by weight, that is made by the
1 33 fermentation of an infusion in potable water of barley, malt,
1 34 and hops, with or without unmalted grains or decorticated and
1 35 degerminated grains. Not more than one and five=tenths percent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 187 continued

2 1 of the volume of a "high alcoholic content beer" may consist
2 2 of alcohol derived from added flavors and other nonbeverage
2 3 ingredients containing alcohol. The added flavors and other
2 4 nonbeverage ingredients may not include added caffeine or other
2 5 added stimulants including but not limited to guarana, ginseng,
2 6 and taurine.

2 7 Sec. 3. Section 123.3, subsection 22A, Code 2011, is amended
2 8 to read as follows:

2 9 22A. "Native wine" means wine manufactured ~~in this state~~
~~2 10 pursuant to section 123.56 by a manufacturer of native wine.~~

2 11 Sec. 4. Section 123.9, Code 2011, is amended to read as
2 12 follows:

2 13 123.9 Commission meetings.

2 14 The commission shall meet on or before July 1 of each year
2 15 for the purpose of selecting one of its members as chairperson,
~~2 16 which member shall serve in such capacity~~ for the succeeding
2 17 year. The commission shall otherwise meet quarterly or at
2 18 the call of the chairperson or administrator or, when ~~any~~
2 19 three members file ~~with the chairperson~~ a written request
2 20 for a meeting. Written notice of the time and place of each
2 21 meeting shall be given to each member of the commission. ~~All~~
~~2 22 commission meetings shall be held within the state.~~ A majority
2 23 of the commission members shall constitute a quorum.

2 24 Sec. 5. Section 123.30, subsection 3, paragraph e,
2 25 subparagraph (1), Code 2011, is amended to read as follows:

2 26 (1) A class "E" liquor control license may be issued and
2 27 shall authorize the holder to purchase alcoholic liquor from
2 28 the division only and high alcoholic content beer from a class
2 29 "AA" beer permittee only and to sell the alcoholic liquor and
2 30 high alcoholic content beer to patrons for consumption off
2 31 the licensed premises and to other liquor control licensees.
~~2 32 A class "E" license shall not be issued to premises at which~~
~~2 33 gasoline is sold.~~ A holder of a class "E" liquor control
2 34 license may hold other retail liquor control licenses or
2 35 retail wine or beer permits, but the premises licensed under a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 187 continued

3 1 class "E" liquor control license shall be separate from other
3 2 licensed premises, though the separate premises may have a
3 3 common entrance. However, the holder of a class "E" liquor
3 4 control license may also hold a class "B" wine or class "C"
3 5 beer permit or both for the premises licensed under a class "E"
3 6 liquor control license.

3 7 Sec. 6. Section 123.31, unnumbered paragraph 1, Code 2011,
3 8 is amended to read as follows:

3 9 ~~Except as otherwise provided in section 123.35, verified~~
~~3 10 Verified applications for the original issuance or the renewal~~
3 11 of liquor control licenses shall be filed at the time and in
3 12 the number of copies as the administrator shall prescribe, on
3 13 forms prescribed by the administrator, and shall set forth
3 14 under oath the following information:

3 15 Sec. 7. Section 123.36, subsection 8, Code 2011, is amended
3 16 to read as follows:

3 17 8. a. Class "E" liquor control license, a sum determined
3 18 as follows:

3 19 (1) For licensed premises at which gasoline is not sold, a
3 20 sum of not less than seven hundred and fifty dollars, and not
3 21 more than seven thousand five hundred dollars as determined
3 22 on a sliding scale as established by the division taking into
3 23 account the factors of square footage of the licensed premises,
3 24 the location of the licensed premises, and the population of
3 25 the area of the location of the licensed premises.

3 26 (2) For licensed premises at which gasoline is sold, a sum
3 27 equal to the following:

3 28 (a) For premises located within the corporate limits of a
3 29 city with a population of less than one thousand five hundred,
3 30 three thousand five hundred dollars.

3 31 (b) For premises located within the corporate limits of a
3 32 city with a population of at least one thousand five hundred
3 33 but less than ten thousand, five thousand dollars.

3 34 (c) For premises located within the corporate limits of a
3 35 city with a population of ten thousand population or more, the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 187 continued

4 1 greater of five thousand dollars or the amount that would be
4 2 established pursuant to subparagraph (1) if gasoline were not
4 3 sold at the premises.
4 4 (d) For premises located outside the corporate limits of
4 5 any city, a sum equal to that charged in the incorporated city
4 6 located nearest the premises to be licensed. If there is doubt
4 7 as to which of two or more differing corporate limits is the
4 8 nearest, the license fee which is the largest shall prevail.
4 9 However, if the premises is located in an unincorporated town,
4 10 for purposes of this subparagraph, the unincorporated town
4 11 shall be treated as if it is a city.
4 12 b. Notwithstanding subsection 5, the holder of a class
4 13 "E" liquor control license may sell alcoholic liquor for
4 14 consumption off the licensed premises on Sunday subject to
4 15 section 123.49, subsection 2, paragraph "b".
4 16 Sec. 8. Section 123.43A, subsection 1, Code 2011, is amended
4 17 by striking the subsection.
4 18 Sec. 9. Section 123.46, subsection 1, paragraph d, Code
4 19 2011, is amended by striking the paragraph.
4 20 Sec. 10. Section 123.129, subsection 1, Code 2011, is
4 21 amended by striking the subsection.
4 22 Sec. 11. Section 123.134, subsection 5, Code 2011, is
4 23 amended by striking the subsection.
4 24 Sec. 12. Section 123.141, Code 2011, is amended to read as
4 25 follows:
4 26 123.141 Keeping liquor where beer is sold.
4 27 No alcoholic liquor for beverage purposes shall be used,
4 28 or kept for any purpose in the place of business of class "B"
4 29 permittees, or on the premises of such class "B" permittees, at
4 30 any time. A violation of any provision of this section shall
4 31 be grounds for suspension or revocation of the permit pursuant
4 32 to section 123.50, subsection 3. This section shall not apply
4 33 in any manner or in any way, ~~to any railway car of any dining~~
~~4 34 car company, sleeping car company, railroad company or railway~~
~~4 35 company, having a special class "B" permit,~~ to the premises



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 187 continued

5 1 of any hotel or motel for which a class "B" permit has been
5 2 issued, other than that part of such premises regularly used by
5 3 the hotel or motel for the principal purpose of selling beer
5 4 or food to the general public; or to drug stores regularly and
5 5 continuously employing a registered pharmacist, from having
5 6 alcohol in stock for medicinal and compounding purposes.

5 7 Sec. 13. Section 123.142, unnumbered paragraph 1, Code
5 8 2011, is amended to read as follows:

5 9 It is unlawful for the holder of a class "B" or class "C"
5 10 permit issued under this chapter to sell beer, except beer
5 11 brewed on the premises covered by a special class "A" permit or
5 12 beer purchased from a person holding a class "A" permit issued
5 13 in accordance with this chapter, and on which the tax provided
5 14 in section 123.136 has been paid. However, this section does
5 15 not apply to ~~the holders of special class "B" permits issued~~
~~5 16 under section 123.133 for sales in cars engaged in interstate~~
~~5 17 commerce nor to class "D" liquor control licensees as provided~~
5 18 in this chapter.

5 19 Sec. 14. REPEAL. Sections 123.35, 123.133, 123.153,
5 20 123.154, 123.155, 123.156, 123.157, 123.158, 123.159, 123.160,
5 21 123.161, and 123.162, Code 2011, are repealed.

5 22 Sec. 15. EFFECTIVE UPON ENACTMENT. The section of this
5 23 Act amending section 123.3, subsection 14A, regarding the
5 24 definition of high alcoholic content beer, being deemed of
5 25 immediate importance, takes effect upon enactment.

5 26 EXPLANATION

5 27 This bill makes several changes regarding matters under the
5 28 purview of the alcoholic beverages division of the department
5 29 of commerce.

5 30 The bill deletes definitions of grocery store,
5 31 micro=distillery, micro=distilled spirits, pharmacy, and school
5 32 contained in respective provisions within Code chapter 123, and
5 33 inserts the definitions into the general definitions section
5 34 for the chapter in Code section 123.3. The bill modifies the
5 35 definition of native wine contained within Code section 123.3



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 187 continued

6 1 to remove reference to wine manufactured "in this state",
6 2 instead providing that "native wine" means wine manufactured
6 3 pursuant to Code section 123.56 by a manufacturer of native
6 4 wine.

6 5 The bill modifies the definition of high alcoholic content
6 6 beer to specify that not more than 1.5 percent of the volume of
6 7 such beer may consist of alcohol derived from added flavors and
6 8 other nonbeverage ingredients containing alcohol, and that the
6 9 added flavors and ingredients may not include added caffeine
6 10 or other specified added stimulants. The bill makes this
6 11 modification effective upon enactment.

6 12 The bill amends provisions governing meetings of the
6 13 alcoholic beverages commission, providing that the commission
6 14 shall meet to elect a chairperson on or before July 1 annually,
6 15 rather than on July 1 under current law. The bill provides
6 16 that the commission shall otherwise meet quarterly, or at any
6 17 time called by the administrator of the division in addition
6 18 to the chairperson. The bill deletes a current provision
6 19 prohibiting commission meetings from being held outside of the
6 20 state.

6 21 The bill removes a current restriction prohibiting the
6 22 issuance of a class "E" liquor control license by the alcoholic
6 23 beverages division of the department of commerce to applicants
6 24 for premises at which gasoline is sold. A class "E" liquor
6 25 control license authorizes the holder to purchase alcoholic
6 26 liquor from the division and to sell the liquor to patrons
6 27 for consumption off the licensed premises and to other liquor
6 28 control licensees.

6 29 The bill modifies fees currently applicable to class "E"
6 30 liquor control licensees, depending upon whether gasoline is
6 31 sold on the licensed premises. The bill provides that if
6 32 gasoline is not sold on the premises, the current formula for
6 33 determining fees set forth in Code section 123.36 for class
6 34 "E" licensees will be applicable. That formula prescribes a
6 35 fee in an amount varying between \$750 and \$7,500 on a sliding



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

House Study Bill 187 continued

7 1 scale basis, determined by the alcoholic beverages division,
7 2 taking into account the factors of square footage of the
7 3 licensed premises, the location of the licensed premises, and
7 4 the population of the area of the location of the licensed
7 5 premises. The bill provides that in the event that gasoline
7 6 is sold on the premises, a variable fee will be applied based
7 7 upon the population of the corporate limits within which the
7 8 premises is located. Specifically, if the premises is located
7 9 within the corporate limits of a city of less than 1,500
7 10 people, the fee is \$3,500; if within the corporate limits of
7 11 a city of at least 1,500 but less than 10,000 people, the fee
7 12 is \$5,000; and if within the corporate limits of a city of
7 13 10,000 people or more, the fee is the greater of \$5,000 or the
7 14 amount that would otherwise be applied if gasoline were not
7 15 sold at the premises. The bill further provides that if the
7 16 premises is located outside the corporate limits of a city,
7 17 the fee will be equal to that charged in the incorporated city
7 18 located nearest the premises, and in case there is doubt as to
7 19 which of two or more differing corporate limits is the nearest,
7 20 the largest fee will apply. If the premises is located in an
7 21 unincorporated town, the bill states that the unincorporated
7 22 town shall be treated as if it is a city.

7 23 The bill repeals Code section 123.35, which had prescribed
7 24 simplified application forms for the renewal of liquor control
7 25 licenses, wine permits, and beer permits when qualifications
7 26 had not changed since the license or permit was originally
7 27 issued. The bill also repeals Code section 123.133 providing
7 28 for the issuance of a special class "B" permit for the sale
7 29 of beer on trains, and deletes a provision which currently
7 30 states that Code section 123.141, regarding keeping liquor at
7 31 a location where beer is sold, shall not be applicable to any
7 32 railway car of any dining car company, sleeping car company,
7 33 railroad company, or railway company in possession of a special
7 34 class "B" beer permit. The bill makes conforming changes
7 35 consistent with the repeal of these Code sections.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

House Study Bill 187 continued

8 1 The bill additionally repeals Code sections 123.153 through
8 2 123.162, comprising division IV of Code chapter 123, entitled
8 3 "Warehouse Project". The provisions allowed the alcoholic
8 4 beverages commission to issue revenue bonds for a one-time
8 5 warehouse project.
LSB 2700YC (3) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Amendment 3039

PAG LIN

1 1 Amend Senate File 240 as follows:
1 2 #1. Page 2, line 30, by striking <eighteen> and
1 3 inserting <twenty=one>

BRIAN SCHOENJAHN
SF240.845 (1) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 313 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB
1100)

A BILL FOR

1 An Act relating to medical assistance program=related
2 provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1238SV (2) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 313 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.504, subsection 1, paragraph c,
1 2 subparagraph (1), Code 2011, is amended to read as follows:
1 3 (1) Any debt, which is assigned to the department of human
1 4 services, or which is owed to the department of human services
1 5 for unpaid premiums under section 249A.3, subsection 2,
1 6 paragraph "a", subparagraph (1), or section 249J.8, subsection
1 7 1, or which the child support recovery unit is otherwise
1 8 attempting to collect, or which the foster care recovery unit
1 9 of the department of human services is attempting to collect
1 10 on behalf of a child receiving foster care provided by the
1 11 department of human services.
1 12 Sec. 2. Section 217.34, Code 2011, is amended to read as
1 13 follows:
1 14 217.34 Debt setoff.
1 15 The investigations division of the department of inspections
1 16 and appeals and the department of human services shall provide
1 17 assistance to set off against a person's or provider's income
1 18 tax refund or rebate any debt which has accrued through written
1 19 contract, nonpayment of premiums pursuant to section 249A.3,
1 20 subsection 2, paragraph "a", subparagraph (1), or section
1 21 249J.8, subsection 1, subrogation, departmental recoupment
1 22 procedures, or court judgment and which is in the form of a
1 23 liquidated sum due and owing the department of human services.
1 24 The department of inspections and appeals, with approval of the
1 25 department of human services, shall adopt rules under chapter
1 26 17A necessary to assist the department of administrative
1 27 services in the implementation of the setoff under section
1 28 8A.504 in regard to money owed to the state for public
1 29 assistance overpayments or nonpayment of premiums as specified
1 30 in this section. The department of human services shall adopt
1 31 rules under chapter 17A necessary to assist the department of
1 32 administrative services in the implementation of the setoff
1 33 under section 8A.504, in regard to collections by the child
1 34 support recovery unit and the foster care recovery unit.
1 35 Sec. 3. Section 249A.3, subsection 2, paragraph a,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 313 - Introduced continued

2 1 subparagraph (1), Code 2011, is amended to read as follows:
2 2 (1) (a) As allowed under 42 U.S.C.
2 3 { 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities,
2 4 who are less than sixty=five years of age, who are members of
2 5 families whose income is less than two hundred fifty percent of
2 6 the most recently revised official poverty guidelines published
2 7 by the United States department of health and human services
2 8 for the family, who have earned income and who are eligible for
2 9 medical assistance or additional medical assistance under this
2 10 section if earnings are disregarded. As allowed by 42 U.S.C.
2 11 { 1396a(r)(2), unearned income shall also be disregarded in
2 12 determining whether an individual is eligible for assistance
2 13 under this subparagraph. For the purposes of determining the
2 14 amount of an individual's resources under this subparagraph
2 15 and as allowed by 42 U.S.C. { 1396a(r)(2), a maximum of ten
2 16 thousand dollars of available resources shall be disregarded,
2 17 and any additional resources held in a retirement account, in a
2 18 medical savings account, or in any other account approved under
2 19 rules adopted by the department shall also be disregarded.
2 20 (b) Individuals eligible for assistance under this
2 21 subparagraph, whose individual income exceeds one hundred
2 22 fifty percent of the official poverty guidelines published
2 23 by the United States department of health and human services
2 24 for an individual, shall pay a premium. The amount of the
2 25 premium shall be based on a sliding fee schedule adopted by
2 26 rule of the department and shall be based on a percentage of
2 27 the individual's income. The maximum premium payable by an
2 28 individual whose income exceeds one hundred fifty percent of
2 29 the official poverty guidelines shall be commensurate with
2 30 the cost of state employees' group health insurance in this
2 31 state. The payment to and acceptance by an automated case
2 32 management system or the department of the premium required
2 33 under this subparagraph shall not automatically confer initial
2 34 or continuing program eligibility on an individual. A premium
2 35 paid to and accepted by the department's premium payment



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 313 - Introduced continued

3 1 process that is subsequently determined to be untimely or to
3 2 have been paid on behalf of an individual ineligible for the
3 3 program shall be refunded to the remitter in accordance with
3 4 rules adopted by the department. Any unpaid premium shall be a
3 5 debt owed the department.

3 6 Sec. 4. Section 249J.8, subsection 1, Code 2011, is amended
3 7 to read as follows:

3 8 1. a. ~~Each~~ The total monthly premium and other cost-sharing
3 9 for an expansion population member whose family income exceeds
3 10 one hundred fifty percent of the federal poverty level as
3 11 defined by the most recently revised poverty income guidelines
3 12 published by the United States department of health and human
3 13 services shall pay a monthly premium not to exceed one-twelfth
3 14 of five percent of the member's annual family income regardless
3 15 of the number of expansion population members in the household.

3 16 The department shall adopt rules to establish a premium
3 17 schedule in accordance with this subsection that is calculated
3 18 based on a member's family income for each ten percent
3 19 increment of the federal poverty level.

3 20 b. ~~Each~~ An expansion population member whose family income
3 21 is equal to or less than one hundred fifty percent of the
3 22 federal poverty level as defined by the most recently revised
3 23 poverty income guidelines published by the United States
3 24 department of health and human services shall not be subject to
3 25 payment of a monthly premium.

3 26 c. All premiums shall be paid ~~on~~ by the last day of the
3 27 month of coverage.

3 28 d. The department shall deduct the amount of any monthly
3 29 premiums paid by an expansion population member for benefits
3 30 under the healthy and well kids in Iowa program when computing
3 31 the amount of monthly premiums owed under this subsection.

3 32 e. An expansion population member shall respond to the
3 33 monthly premium notices either through timely payment or a
3 34 request for a hardship exemption during the entire period of
3 35 the member's enrollment.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 313 - Introduced continued

4 1 f. Regardless of the length of enrollment, the member
4 2 is subject to payment of the premium for a minimum of four
4 3 consecutive months. However, an expansion population member
4 4 who complies with the requirement of payment of the premium
4 5 for a minimum of four consecutive months during a consecutive
4 6 twelve=month period of enrollment shall be deemed to have
4 7 complied with this requirement for the subsequent consecutive
4 8 twelve=month period of enrollment and shall only be subject to
4 9 payment of the monthly premium on a month=by=month basis.

4 10 g. Timely payment of premiums, ~~including any arrearages~~
~~4 11 accrued from prior enrollment,~~ is a condition of receiving any
4 12 expansion population services. An expansion population member
4 13 who does not provide timely payment within sixty days of the
4 14 date the premium is due is subject to disenrollment.

4 15 h. Any unpaid premiums are a debt owed to the department.

4 16 i. The payment to and acceptance by an automated case
4 17 management system or the department of the premium required
4 18 under this subsection shall not automatically confer initial or
4 19 continuing program eligibility on an individual.

4 20 j. A premium paid to and accepted by the department's
4 21 premium payment process that is subsequently determined to
4 22 be untimely or to have been paid on behalf of an individual
4 23 ineligible for the program shall be refunded to the remitter in
4 24 accordance with rules adopted by the department.

4 25 k. Premiums collected under this subsection shall be
4 26 deposited in the premiums subaccount of the account for health
4 27 care transformation created pursuant to section 249J.23.

4 28 l. An expansion population member shall also pay the same
4 29 copayments required of other adult recipients of medical
4 30 assistance.

4 31 Sec. 5. Section 249J.14, subsection 5, Code 2011, is amended
4 32 to read as follows:

4 33 5. Dental home for children.

4 34 a. The department shall enter into an interagency agreement
4 35 with the department of public health for infrastructure



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 313 - Introduced continued

5 1 development and oral health coordination services for
5 2 recipients of medical assistance to increase access to dental
5 3 care for medical assistance recipients.
5 4 b. By ~~December 31, 2011~~ July 1, 2013, every recipient
5 5 of medical assistance who is a child twelve years of age or
5 6 younger shall have a designated dental home and shall be
5 7 provided with the dental screenings, preventive services,
5 8 diagnostic services, treatment services, and emergency services
5 9 as defined under the early and periodic screening, diagnostic,
5 10 and treatment program.

5 11 EXPLANATION

5 12 This bill relates to medical assistance program=related
5 13 provisions. The bill provides that unpaid premiums under the
5 14 Medicaid for employed people with disabilities (MEPD) program
5 15 and the IowaCare program are considered "qualifying debts"
5 16 subject to debt setoff procedures.

5 17 The bill amends provisions relating to financial
5 18 participation of IowaCare members to comply with federal
5 19 requirements for renewal of the IowaCare waiver. Under the
5 20 bill, IowaCare members with household incomes at or below
5 21 150 percent of the federal poverty level (FPL) would not be
5 22 assessed a monthly premium. Those with incomes greater than
5 23 150 percent of the FPL, regardless of the number of IowaCare
5 24 members in the household, would be assessed a monthly premium
5 25 not to exceed one=twelfth of 5 percent of the household's
5 26 monthly income in accordance with federal requirements. The
5 27 bill also provides that a member is subject to disenrollment if
5 28 premiums are not paid within 60 days of the date the premiums
5 29 are due.

5 30 The bill extends the date by which all children 12 years
5 31 of age or younger are to have a designated dental home from
5 32 December 31, 2011, until July 1, 2013.

LSB 1238SV (2) 84

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 314 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB
1062)

A BILL FOR

1 An Act relating to the procedures to be followed for certain
2 county projects involving the judicial branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1262SV (2) 84
jm/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 314 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.301, subsection 10, paragraph e,
1 2 subparagraph (1), subparagraph divisions (a) and (b), Code
1 3 2011, are amended to read as follows:
1 4 (a) The board must follow substantially the authorization
1 5 procedures of section 331.443 to authorize a lease or
1 6 lease=purchase contract for personal property which is payable
1 7 from the general fund. The board must follow substantially
1 8 the authorization procedures of section 331.443 to authorize
1 9 a lease or lease=purchase contract for real property which is
1 10 payable from the general fund if the principal amount of the
1 11 lease=purchase contract does not exceed the following limits:
1 12 (i) ~~Four~~ Six hundred thousand dollars in a county having a
1 13 population of twenty=five thousand or less.
1 14 (ii) ~~Five~~ Seven hundred fifty thousand dollars in a county
1 15 having a population of more than twenty=five thousand but not
1 16 more than fifty thousand.
1 17 (iii) ~~Six~~ Nine hundred thousand dollars in a county having
1 18 a population of more than fifty thousand but not more than one
1 19 hundred thousand.
1 20 (iv) ~~Eight~~ One million two hundred thousand dollars in a
1 21 county having a population of more than one hundred thousand
1 22 but not more than two hundred thousand.
1 23 (v) One million five hundred thousand dollars in a county
1 24 having a population of more than two hundred thousand.
1 25 (b) (i) However, if the principal amount of a lease or
1 26 lease=purchase contract pursuant to this subparagraph (1) is
1 27 less than twenty=five thousand dollars, the board may authorize
1 28 the lease or lease=purchase contract without following the
1 29 authorization procedures of section 331.443.
1 30 (ii) If the board determines that at least fifty percent of
1 31 the real property to be leased or lease=purchased is to be used
1 32 or occupied by the judicial branch as referenced in section
1 33 602.1102, the board may follow the authorization procedures of
1 34 section 331.443 even if the principal amount of the lease or
1 35 lease=purchase contract exceeds the limitations in subparagraph



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 314 - Introduced continued

2 1 division (a).

2 2 Sec. 2. Section 331.402, subsection 3, paragraph d,
2 3 subparagraph (1), Code 2011, is amended to read as follows:

2 4 (1) (a) The board shall follow substantially the
2 5 authorization procedures of section 331.443 to authorize a
2 6 loan agreement for personal property which is payable from
2 7 the general fund. The board must follow substantially the
2 8 authorization procedures of section 331.443 to authorize a loan
2 9 agreement for real property which is payable from the general
2 10 fund if the principal amount of the loan agreement does not
2 11 exceed the following limits:

2 12 ~~(a)~~ (i) ~~Four~~ Six hundred thousand dollars in a county
2 13 having a population of twenty=five thousand or less.

2 14 ~~(b)~~ (ii) ~~Five~~ Seven hundred fifty thousand dollars in a
2 15 county having a population of more than twenty=five thousand
2 16 but not more than fifty thousand.

2 17 ~~(c)~~ (iii) ~~Six~~ Nine hundred thousand dollars in a county
2 18 having a population of more than fifty thousand but not more
2 19 than one hundred thousand.

2 20 ~~(d)~~ (iv) ~~Eight~~ One million two hundred thousand dollars in
2 21 a county having a population of more than one hundred thousand
2 22 but not more than two hundred thousand.

2 23 ~~(e)~~ (v) One million five hundred thousand dollars in a
2 24 county having a population of more than two hundred thousand.

2 25 (b) If the board determines that at least fifty percent of
2 26 the real property that is the subject of the loan agreement is
2 27 to be used or occupied by the judicial branch as referenced
2 28 in section 602.1102, the board may follow the authorization
2 29 procedures of section 331.443 even if the principal amount of
2 30 the loan agreement exceeds the limitations in subparagraph
2 31 division (a).

2 32 Sec. 3. Section 331.441, subsection 2, paragraph b,
2 33 subparagraph (5), Code 2011, is amended to read as follows:

2 34 (5) (a) Public buildings, including the site or grounds of,
2 35 and the erection, equipment, remodeling, or reconstruction of,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 314 - Introduced continued

3 1 and additions or extensions to the buildings, and including the
3 2 provision and maintenance of juvenile detention or shelter care
3 3 facilities, when the ~~cost~~ principal amount of bonds does not
3 4 exceed the following limits:

3 5 ~~(a)~~ (i) Six hundred thousand dollars in a county having a
3 6 population of twenty=five thousand or less.

3 7 ~~(b)~~ (ii) Seven hundred fifty thousand dollars in a county
3 8 having a population of more than twenty=five thousand but not
3 9 more than fifty thousand.

3 10 ~~(c)~~ (iii) Nine hundred thousand dollars in a county having
3 11 a population of more than fifty thousand but not more than one
3 12 hundred thousand.

3 13 ~~(d)~~ (iv) One million two hundred thousand dollars in a
3 14 county having a population of more than one hundred thousand
3 15 but not more than two hundred thousand.

3 16 ~~(e)~~ (v) One million five hundred thousand dollars in a
3 17 county having a population of more than two hundred thousand.

3 18 (b) If the board determines that at least fifty percent of
3 19 the public building will be used or occupied by the judicial
3 20 branch as referenced in section 602.1102, the board may
3 21 follow the authorization procedures of section 331.443 even
3 22 if the principal amount of bonds exceeds the limitations in
3 23 subparagraph division (a).

3 24 EXPLANATION

3 25 This bill relates to acquisition of property by a county and
3 26 county building projects involving the judicial branch.

3 27 The bill provides that if the project involves a real
3 28 property lease agreement, lease=purchase agreement, or loan
3 29 agreement, and at least 50 percent of the real property is
3 30 to be used or occupied by the judicial branch, the county,
3 31 when entering into the agreement, is authorized to follow the
3 32 procedures for issuance of essential county purpose bonds.

3 33 The bill also amends the definition of "essential county
3 34 purpose", relating to issuance of bonds for public buildings,
3 35 to provide that the dollar limitation on the principal amount



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 314 - Introduced continued

4 1 of the bonds does not apply if at least 50 percent of the public
4 2 building will be used or occupied by the judicial branch.
4 3 Generally, an essential county purpose does not require
4 4 approval of the voters.
4 5 The bill increases the threshold amounts that determine
4 6 whether a project can be undertaken using the procedures for
4 7 essential county purpose bonds when the project involves a
4 8 lease, lease=purchase, or loan agreement. The bill increases
4 9 the threshold amounts in the following manner: For counties
4 10 with a population of 25,000 or less, the threshold amount
4 11 is increased from \$400,000 to \$600,000; for counties with
4 12 a population of more than 25,000 but not more than 50,000,
4 13 the threshold amount is increased from \$500,000 to \$750,000;
4 14 for counties with a population of more than 50,000 but not
4 15 more than 100,000, the threshold amount is increased from
4 16 \$600,000 to \$900,000; for counties with a population of more
4 17 than 100,000 but not more than 200,000, the threshold amount
4 18 is increased from \$800,000 to \$1.2 million; and for counties
4 19 with a population of more than 200,000, the threshold amount is
4 20 increased from \$1 million to \$1.5 million.

LSB 1262SV (2) 84

jm/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB
1061)

A BILL FOR

- 1 An Act relating to emergency management planning.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1826SV (4) 84
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced continued

PAG LIN

1 1 Section 1. Section 29C.2, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. "Local emergency management agency" means a countywide
1 4 joint county=municipal public agency organized to administer
1 5 this chapter under the authority of ~~the local emergency~~
~~1 6 management~~ a commission.
1 7 Sec. 2. Section 29C.2, Code 2011, is amended by adding the
1 8 following new subsection:
1 9 NEW SUBSECTION. 01. "Commission" means a local emergency
1 10 management commission or joint emergency management commission.
1 11 Sec. 3. Section 29C.6, subsection 17, paragraph b, Code
1 12 2011, is amended to read as follows:
1 13 b. State participation in funding financial assistance under
1 14 paragraph "a" is contingent upon the local government having
1 15 on file a state=approved, comprehensive, ~~countywide~~ emergency
1 16 ~~operations~~ plan which meets the standards adopted pursuant to
1 17 section 29C.9, subsection 8.
1 18 Sec. 4. Section 29C.8, subsection 3, paragraphs a and c,
1 19 Code 2011, are amended to read as follows:
1 20 a. Prepare a comprehensive emergency plan and emergency
1 21 management program for homeland security, disaster
1 22 preparedness, response, recovery, mitigation, emergency
1 23 operation, and emergency resource management of this state.
1 24 The plan and program shall be integrated into and coordinated
1 25 with the homeland security and emergency plans of the federal
1 26 government and of other states to the fullest possible extent
1 27 and coordinate the preparation of plans and programs for
1 28 emergency management of the political subdivisions and various
1 29 state departments of this state. The plans shall be integrated
1 30 into and coordinated with a comprehensive state homeland
1 31 security and emergency program for this state as coordinated
1 32 by the administrator of the homeland security and emergency
1 33 management division to the fullest possible extent.
1 34 c. Provide technical assistance to any ~~local emergency~~
1 35 ~~commission or joint commission~~ requiring the assistance in the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced continued

2 1 development of an emergency management or homeland security
2 2 program.

2 3 Sec. 5. Section 29C.9, subsections 1, 4, 7, and 8, Code
2 4 2011, are amended to read as follows:

2 5 1. The county boards of supervisors, city councils, and
2 6 ~~school district boards of directors~~ the sheriff in each county
2 7 shall cooperate with the homeland security and emergency
2 8 management division of the department of public defense to
2 9 establish a ~~local emergency management~~ commission to carry out
2 10 the provisions of this chapter.

2 11 4. For the purposes of this chapter, ~~the~~ a commission ~~or~~
2 12 ~~joint commission~~ is a municipality as defined in section 670.1.

2 13 7. The commission shall delegate to the emergency
2 14 management coordinator the authority to fulfill the commission
2 15 duties as described in the division's administrative rules.
2 16 Each commission shall appoint a ~~county~~ local emergency
2 17 management coordinator who shall meet the qualifications
2 18 specified in the administrative rules by the administrator
2 19 of the homeland security and emergency management division.
2 20 Additional emergency management personnel may be appointed at
2 21 the discretion of the commission.

2 22 8. The commission shall develop, adopt, and submit for
2 23 approval by local governments within the ~~county~~ commission's
2 24 jurisdiction, a comprehensive ~~countywide~~ emergency ~~operations~~
2 25 plan which meets standards adopted by the division in
2 26 accordance with chapter 17A. If an approved comprehensive
2 27 ~~countywide emergency operations~~ plan has not been prepared
2 28 according to established standards and the administrator
2 29 of the homeland security and emergency management division
2 30 finds that satisfactory progress is not being made toward the
2 31 completion of the plan, or if the administrator finds that a
2 32 ~~local emergency management~~ commission has failed to appoint
2 33 a qualified emergency management coordinator as provided in
2 34 this chapter, the administrator shall notify the governing
2 35 bodies of the counties and cities affected by the failure



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced continued

3 1 and the governing bodies shall not appropriate any moneys
3 2 to the local emergency management fund until the ~~disaster~~
~~3 3 comprehensive emergency~~ plan is prepared and approved or a
3 4 qualified emergency management coordinator is appointed. If
3 5 the administrator finds that a ~~city or a county~~ commission has
3 6 appointed an unqualified emergency management coordinator,
3 7 the administrator shall notify the ~~governing body of the city~~
~~3 8 or county~~ commission citing the qualifications which are not
3 9 met and the ~~governing body~~ commission shall not approve the
3 10 payment of the salary or expenses of the unqualified emergency
3 11 management coordinator.
3 12 Sec. 6. Section 29C.10, Code 2011, is amended to read as
3 13 follows:
3 14 29C.10 Emergency management coordinator.
3 15 1. The ~~commission or joint commission~~ shall appoint an
3 16 emergency management coordinator who shall serve at the
3 17 pleasure of the ~~commission, and~~ shall be responsible for
3 18 the development of the ~~countywide~~ comprehensive emergency
3 19 ~~operations plan, coordination of~~ shall coordinate emergency
3 20 planning activities, and shall provide technical assistance to
3 21 political subdivisions throughout the county comprising the
3 22 commission.
3 23 2. When an emergency or disaster occurs, the emergency
3 24 management coordinator shall provide coordination and
3 25 assistance to the governing officials of the ~~municipalities and~~
~~3 26 the county~~ political subdivisions comprising the commission.
3 27 3. The ~~mayors and the board of supervisors~~ commission and
3 28 its members shall cooperate with the president of the United
3 29 States and the heads of the armed forces and other appropriate
3 30 federal, state, and local officers and agencies and with the
3 31 officers and agencies of adjoining states in matters pertaining
3 32 to comprehensive emergency management for a ~~city or county~~
~~3 33 political subdivisions comprising the commission.~~
3 34 Sec. 7. Section 29C.11, Code 2011, is amended to read as
3 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced continued

4 1 29C.11 Local mutual aid arrangements.

4 2 1. The local emergency management ~~coordinator for each~~
~~4 3 emergency management agency commission~~ shall, in collaboration
4 4 with other public and private agencies within this state,
4 5 develop mutual aid arrangements for reciprocal disaster
4 6 services and recovery aid and assistance in case of disaster
4 7 too great to be dealt with unassisted. The arrangements
4 8 shall be consistent with the homeland security and emergency
4 9 management division plan and program, and in time of
4 10 emergency each local emergency management agency shall render
4 11 assistance in accordance with the provisions of the mutual aid
4 12 arrangements.

4 13 2. The ~~emergency management coordinator of each local~~
~~4 14 emergency management agency chairperson of a commission~~ may,
4 15 subject to the approval of the governor, enter into mutual
4 16 aid arrangements with emergency management agencies or
4 17 organizations in other states for reciprocal emergency services
4 18 and recovery aid and assistance in case of disaster too great
4 19 to be dealt with unassisted.

4 20 Sec. 8. Section 29C.17, subsection 1, Code 2011, is amended
4 21 to read as follows:

4 22 1. A local emergency management fund is created in the
4 23 office of the county treasurer. Revenues provided and
4 24 collected shall be deposited in the fund. An unencumbered
4 25 balance in the fund shall not revert to county general
4 26 revenues. Any reimbursement, matching funds, moneys received
4 27 from sale of property, or moneys obtained from any source in
4 28 connection with the ~~county~~ local emergency management program
4 29 shall be deposited in the local emergency management fund. The
4 30 commission shall be the fiscal authority and the chairperson or
4 31 vice chairperson of the commission is the certifying official.

4 32 Sec. 9. Section 29C.17, subsection 2, unnumbered paragraph
4 33 1, Code 2011, is amended to read as follows:

4 34 For the purposes consistent with this chapter, the ~~county~~
~~4 35~~ local emergency management agency's approved budget may be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced continued

5 1 funded by one or any combination of the following options:

5 2 Sec. 10. Section 29C.20A, subsection 5, Code 2011, is
5 3 amended to read as follows:

5 4 5. ~~The homeland security and emergency management division~~
5 5 ~~department of human services~~ shall submit an annual report, by
5 6 January 1 of each year, to the legislative fiscal committee
5 7 and the general assembly's standing committees on government
5 8 oversight concerning the activities of the grant program in the
5 9 previous fiscal year.

5 10 Sec. 11. Section 29C.20B, subsection 1, Code 2011, is
5 11 amended to read as follows:

5 12 1. The rebuild Iowa office shall work with the department
5 13 of human services and nonprofit, voluntary, and faith-based
5 14 organizations active in disaster recovery and response
5 15 in coordination with the homeland security and emergency
5 16 management division to establish a statewide system of disaster
5 17 case management to be activated following the governor's
5 18 proclamation of a disaster emergency or the declaration
5 19 of a major disaster by the president of the United States
5 20 for individual assistance purposes. Under the system, the
5 21 department of human services shall coordinate case management
5 22 services locally through local committees as established in
5 23 each ~~local emergency management~~ commission's emergency plan.
5 24 Beginning July 1, 2011, the department of human services
5 25 shall assume the duties of the rebuild Iowa office under this
5 26 subsection.

5 27 Sec. 12. Section 29C.22, subsection 1, paragraph b, Code
5 28 2011, is amended to read as follows:

5 29 b. The purpose of this compact is to provide for mutual
5 30 assistance between the participating governments entering
5 31 into this compact in managing any emergency or disaster that
5 32 is declared in accordance with a ~~countywide~~ comprehensive
5 33 emergency ~~operations~~ plan or by the governor, whether arising
5 34 from natural disaster, technological hazard, man-made disaster,
5 35 community disorder, insurgency, terrorism, or enemy attack.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 315 - Introduced continued

6 1 Sec. 13. Section 30.2, subsection 2, paragraph b, Code 2011,
6 2 is amended to read as follows:

6 3 b. The commission members representing the departments
6 4 of workforce development, natural resources, public defense,
6 5 public safety, and transportation, a local emergency planning
6 6 committee, and one private industry representative designated
6 7 by the commission shall be voting members of the commission.

6 8 The remaining members of the commission shall serve as
6 9 nonvoting, advisory members.

6 10 Sec. 14. Section 30.9, subsections 1 and 2, Code 2011, are
6 11 amended to read as follows:

6 12 1. Comprehensive emergency ~~response~~ plans required to
6 13 be developed under section 303 of the Emergency Planning and
6 14 Community Right-to-know Act, 42 U.S.C. { 11003, shall be
6 15 submitted to the department of public defense. Committee
6 16 submission to that department constitutes compliance with the
6 17 requirement for reporting to the commission. After initial
6 18 submission, a plan need not be resubmitted unless revisions
6 19 are requested by the commission. The department of public
6 20 defense shall review the plan on behalf of the commission
6 21 and shall incorporate the provisions of the plan into its
6 22 responsibilities under chapter 29C.

6 23 2. The department of public defense shall advise the
6 24 commission of the failure of any committee to submit an
6 25 initial comprehensive emergency ~~response~~ plan or a revised plan
6 26 requested by the commission.

6 27 EXPLANATION

6 28 This bill relates to emergency management planning.

6 29 The bill changes the name of comprehensive, countywide
6 30 emergency operations plans to comprehensive emergency plans and
6 31 makes conforming amendments.

6 32 The bill defines the term "commission" as a local emergency
6 33 management commission or a joint emergency management
6 34 commission.

6 35 The bill changes the entities required to work with the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 315 - Introduced continued

7 1 homeland security and emergency management division of the
7 2 department of public defense in establishing local emergency
7 3 management commissions. Currently, the county boards of
7 4 supervisors, city councils, and school district boards of
7 5 directors are the designated entities. The bill replaces the
7 6 school district boards of directors with the sheriff.
7 7 The bill replaces references to county emergency management
7 8 coordinator with local emergency management coordinator.
7 9 The bill replaces references to political subdivisions of
7 10 a county to political subdivisions of an emergency management
7 11 commission or joint commission.
7 12 The bill replaces references to a city or county with
7 13 political subdivisions of an emergency management commission or
7 14 joint commission.
7 15 Under local mutual aid arrangements, the bill replaces the
7 16 emergency management coordinator for each emergency management
7 17 agency with the chairperson of an emergency management
7 18 commission or joint commission to perform certain duties.
7 19 Currently, the homeland security and emergency management
7 20 division of the department of public defense has certain
7 21 annual reporting duties related to the disaster aid individual
7 22 assistance grant fund. The bill replaces the homeland security
7 23 and emergency management division with the department of human
7 24 services.
7 25 The bill makes the person representing a local emergency
7 26 planning committee on the Iowa emergency response commission a
7 27 voting member.

LSB 1826SV (4) 84
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 316 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act making an appropriation to the governor's office of drug
2 control policy for the establishment of a grant program for
3 the purchase of a mobile device forensic analysis system.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2344XS (2) 84
jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 316 - Introduced continued

PAG LIN

1 1 Section 1. MOBILE DEVICE FORENSIC ANALYSIS SYSTEM. There
1 2 is appropriated from the general fund of the state to the
1 3 governor's office of drug control policy for the fiscal year
1 4 beginning July 1, 2011, and ending June 30, 2012, the following
1 5 amount, or so much thereof as is necessary, to be used for the
1 6 purposes designated:

1 7 For the establishment of a grant program to assist local
1 8 law enforcement agencies in the purchase of a mobile device
1 9 forensic analysis system:

1 10 \$ 100,000

1 11 EXPLANATION

1 12 This bill appropriates \$100,000 to the governor's office of
1 13 drug control policy for FY 2011=2012 for the establishment of a
1 14 grant program to assist local law enforcement agencies in the
1 15 purchase of a mobile device forensic analysis system.

1 16 A mobile device forensic analysis system is a system that
1 17 recovers digital evidence or data from a mobile device.

LSB 2344XS (2) 84

jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 317 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act relating to the examination requirements for an
2 applicant for a noncommercial driver's license.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2613XS (4) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 317 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.178, subsection 1, paragraph c, Code
1 2 2011, is amended to read as follows:
1 3 c. Every public school district in Iowa shall offer or make
1 4 available to all students residing in the school district or
1 5 Iowa students attending a nonpublic school in the district an
1 6 approved course in driver education. The receiving district
1 7 shall be the school district responsible for making driver
1 8 education available to a student participating in open
1 9 enrollment under section 282.18. The courses may be offered
1 10 at sites other than at the public school, including nonpublic
1 11 school facilities within the public school districts. An
1 12 approved course offered during the summer months, on Saturdays,
1 13 after regular school hours during the regular terms or partly
1 14 in one term or summer vacation period and partly in the
1 15 succeeding term or summer vacation period, as the case may
1 16 be, shall satisfy the requirements of this section to the
1 17 same extent as an approved course offered during the regular
1 18 school hours of the school term. ~~A student who successfully~~
~~1 19 completes and obtains certification in an approved course in~~
~~1 20 driver education or an approved course in motorcycle education~~
~~1 21 may, upon proof of such fact, be excused from any field test~~
~~1 22 which the student would otherwise be required to take in~~
~~1 23 demonstrating the student's ability to operate a motor vehicle.~~
~~1 24 A student shall not be excused from any field test if a parent,~~
~~1 25 guardian, or instructor requests that a test be administered.~~
1 26 A final field test prior to a student's completion of an
1 27 approved course shall be administered by a person qualified
1 28 as a classroom driver education instructor and certified to
1 29 provide street and highway driving instruction. A person
1 30 qualified as a classroom driver education instructor but not
1 31 certified to provide street and highway driving instruction
1 32 may administer the final field test if accompanied by another
1 33 person qualified to provide street and highway driving
1 34 instruction.
1 35 Sec. 2. Section 321.186, subsection 1, Code 2011, is amended



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 317 - Introduced continued

2 1 to read as follows:

2 2 1. The department ~~may~~ shall examine every new applicant
2 3 for a driver's license ~~or~~ and may examine any person holding
2 4 a valid driver's license when the department has reason
2 5 to believe that the person may be physically or mentally
2 6 incompetent to operate a motor vehicle, or whose driving
2 7 record appears to the department to justify the examination.
2 8 The department shall make every effort to accommodate a
2 9 functionally illiterate applicant when the applicant is taking
2 10 a knowledge test. The department shall make every effort
2 11 to have an examiner conduct the commercial driver's license
2 12 driving skills tests at other locations in this state where
2 13 skills may be adequately tested when requested by a person
2 14 representing ten or more drivers requiring driving skills
2 15 testing.

2 16 Sec. 3. Section 321.188, subsection 2, unnumbered paragraph
2 17 1, Code 2011, is amended to read as follows:

2 18 ~~An~~ Notwithstanding section 321.186, an applicant for a
2 19 commercial driver's license may substitute for a driving skills
2 20 test the applicant's operating record and previous passage of
2 21 a driving skills test or the applicant's operating record and
2 22 previous driving experience if all of the following conditions
2 23 exist:

2 24 EXPLANATION

2 25 Under current law, the department of transportation is
2 26 authorized to examine every person who applies for a driver's
2 27 license, as well as any person holding a valid driver's license
2 28 when the department has reason to believe the person may be
2 29 physically or mentally incompetent to drive or whose driving
2 30 record appears to justify the examination. The department can
2 31 waive examination requirements for a new resident who has a
2 32 valid driver's license from another state. In addition, the
2 33 department can waive the driving skills test for a student who
2 34 successfully completes an approved driver's education course.
2 35 This bill requires the department to fully examine every



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 317 - Introduced continued

3 1 applicant for a noncommercial driver's license.
3 2 Pursuant to current law, an examination for a driver's
3 3 license includes a test of the applicant's eyesight, a test
3 4 of the applicant's ability to read and understand highway
3 5 signs, a test of the applicant's knowledge of traffic laws, a
3 6 demonstration of the applicant's ability to exercise ordinary
3 7 and reasonable control in the operation of a motor vehicle,
3 8 and any other physical or mental examinations the department
3 9 deems necessary to determine an applicant's fitness to operate
3 10 a motor vehicle safely.
3 11 Under the bill, an applicant for a commercial driver's
3 12 license may continue to substitute for a driving skills test
3 13 the applicant's operating record and previous passage of an
3 14 equivalent driving skills test or the applicant's operating
3 15 record and previous driving experience.

LSB 2613XS (4) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 318 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

1 An Act relating to jurors acting as finders of facts in a trial
2 as well as judging the law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2624XS (1) 84

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 318 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 624.39 Jury right to judge law.
1 2 1. In all cases where the state or a political subdivision
1 3 of the state is the plaintiff, the rights of the defendant
1 4 include the right to inform the jury of the jury's right to
1 5 judge the law as well as be finders of fact, and to render a
1 6 verdict based upon conscience.
1 7 2. a. The right of the jury to judge the law and to render
1 8 a verdict based upon conscience in subsection 1 is absolute
1 9 and shall not be limited by the rules of civil or criminal
1 10 procedure, the juror's oath, a court order, or a procedure or
1 11 practice of the court.
1 12 b. A method or procedure shall not be used to exclude or
1 13 limit the empanelment of a juror willing to exercise the right
1 14 of a juror to judge the law and to render a verdict based upon
1 15 conscience.
1 16 3. After a jury has been informed of the right to judge
1 17 the law and to render a verdict based upon conscience, a party
1 18 shall not be prohibited from presenting arguments to the jury
1 19 which relate to issues of the law and conscience, including but
1 20 not limited to the following:
1 21 a. The merit, intent, constitutionality, or applicability
1 22 of the law in the case.
1 23 b. The motive, moral perspective, or circumstances of the
1 24 defendant.
1 25 c. The degree and direction of guilt or actual harm done in
1 26 the case.
1 27 d. The punishment, penalty, or other sanction that may be
1 28 applied to the losing party.
1 29 4. It shall be grounds for a mistrial if the court prohibits
1 30 a party from informing the jury about the right of the jury to
1 31 judge the law and to render a verdict based upon conscience,
1 32 to prohibit arguments appealing to conscience as provided in
1 33 subsection 3, or to instruct a jury to not act as judges of the
1 34 law.

1 35

EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 318 - Introduced continued

2 1 This bill relates to jurors judging the law as well as acting
2 2 as finders of fact in a trial.
2 3 The bill provides that in cases where the state or a
2 4 political subdivision of the state is the plaintiff, the rights
2 5 of the defendant include the right to inform the jury to judge
2 6 the law as well as be finders of fact, and to render a verdict
2 7 based upon the law and conscience.
2 8 The bill establishes the right of the jury to be absolute and
2 9 not to be limited by the rules of civil or criminal procedure,
2 10 the juror's oath, a court order, or a procedure or practice of
2 11 the court.
2 12 The bill prohibits the use of a method or procedure to
2 13 exclude or limit the empanelment of a juror willing to exercise
2 14 the right to judge the law.
2 15 Under the bill, a party may present evidence relating to the
2 16 merit, intent, constitutionality, or applicability of the law
2 17 in a case; the motive, moral perspective, or circumstances of
2 18 the defendant; the degree and direction of guilt or actual harm
2 19 done in the case; and the punishment or sanction which may be
2 20 applied to the losing party in the case.
2 21 Under the bill, it is grounds for a mistrial if the court
2 22 prohibits a party from informing the jury about the right of
2 23 the jury to judge the law, to prohibit arguments appealing to
2 24 conscience as provided in subsection 3, or to instruct a jury
2 25 to not act as judges of the law.

LSB 2624XS (1) 84

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 319 - Introduced

SENATE FILE
BY SENG

A BILL FOR

1 An Act providing for the possession of cats classified as
2 bengals and savannahs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2420SS (2) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 319 - Introduced continued

PAG LIN

1 1 Section 1. Section 717F.1, subsection 5, paragraph b, Code
1 2 2011, is amended to read as follows:

1 3 b. "Dangerous wild animal" includes an animal which is the
1 4 offspring of an animal provided in paragraph "a", and another
1 5 animal provided in that paragraph or any other animal. It also
1 6 includes animals which are the offspring of each subsequent
1 7 generation. However, a dangerous wild animal does not include
1 8 any of the following:

1 9 (1) The offspring of a domestic dog and a wolf, or the
1 10 offspring from each subsequent generation in which at least one
1 11 parent is a domestic dog.

1 12 (2) The offspring of a domestic cat and another member of
1 13 the family felidae classified as any of the following:

1 14 (a) A bengal with an ancestor classified as an Asian leopard
1 15 cat which is a member of the species prionailurus bengalensis.
1 16 The bengal must be the fourth or later filial generation of
1 17 offspring with the first filial generation being the offspring
1 18 of a domestic cat and an Asian leopard cat, and each subsequent
1 19 generation being the offspring of a domestic cat.

1 20 (b) A savannah with an ancestor classified as a serval which
1 21 is a member of the species leptailurus serval. The savannah
1 22 must be the fourth or later filial generation of offspring
1 23 with the first filial generation being the offspring of a
1 24 domestic cat and serval, and each subsequent generation being
1 25 the offspring of a domestic cat.

1 26 EXPLANATION

1 27 GENERAL. This bill amends Code chapter 717F, which
1 28 regulates the possession of dangerous wild animals under
1 29 the authority of the department of agriculture and land
1 30 stewardship. Generally, the Code chapter prohibits a
1 31 person from owning or possessing a dangerous wild animal
1 32 or transporting a dangerous wild animal into this state
1 33 unless the person is licensed by the United States department
1 34 of agriculture and registered by the Iowa department of
1 35 agriculture and land stewardship. A dangerous animal includes



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 319 - Introduced continued

2 1 cats (classified as belonging to the family felidae) other than
2 2 domestic cats. It also includes the offspring of a dangerous
2 3 wild animal and any subsequent generation of offspring.
2 4 EXEMPTING CATS CLASSIFIED AS F=4 BENGALS AND SAVANNAHS. The
2 5 bill provides an exemption for a cat classified as a bengal
2 6 which is a cross between a domestic cat and an Asian leopard
2 7 cat or classified as a savannah which is a cross between a
2 8 domestic cat and a serval. In both cases the bill requires
2 9 a separation of four filial generations between the Asian
2 10 leopard cat or serval and the exempted cat. The generations
2 11 are calculated by counting from the first filial generation
2 12 which is the offspring of the original crossing. The filial
2 13 generations are sometimes referred to as F=1 through F=4 to
2 14 identify the first four filial generations of offspring. The
2 15 bill's exemption applies to those cats classified as F=4
2 16 bengals and savannahs.

LSB 2420SS (2) 84

da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 320 - Introduced

SENATE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO SF 193)

(COMPANION TO HF 329
BY COMMITTEE ON
COMMERCE)

A BILL FOR

1 An Act relating to equipment dealership agreements by providing
2 for supplier liability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1923SV (2) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 320 - Introduced continued

PAG LIN

1 1 Section 1. Section 322F.7, unnumbered paragraph 1, Code
1 2 2011, is amended to read as follows:
1 3 ~~A supplier violates~~ A violation of this chapter ~~if the~~
1 4 ~~includes but is not limited to a supplier does~~ doing any of the
1 5 following:
1 6 Sec. 2. Section 322F.8, subsection 1, paragraph a,
1 7 subparagraph (1), Code 2011, is amended to read as follows:
1 8 (1) A dealer may bring a legal action against a supplier
1 9 for damages sustained by the dealer as a consequence of
1 10 the supplier's violation of any provision of this chapter,
1 11 including but not limited to a violation described in section
1 12 322F.7. A supplier violating this chapter shall compensate the
1 13 dealer for damages sustained by the dealer as a consequence of
1 14 the supplier's violation, together with the actual costs of the
1 15 action, including reasonable attorney fees.
1 16 Sec. 3. Section 322F.8, subsection 2, Code 2011, is amended
1 17 to read as follows:
1 18 2. a. If the payment or allowance of equipment repurchased
1 19 pursuant to section 322F.3 is not made as required, or the
1 20 supplier is found liable for damages pursuant to subsection
1 21 1, paragraph "a", subparagraph (1), the amount due bears to
1 22 the dealer shall bear interest at the rate of one and one-half
1 23 percent per month calculated from the date that the dealership
1 24 agreement was terminated.
1 25 b. ~~If upon~~ Upon termination of a dealership agreement
1 26 by nonrenewal or cancellation, by a dealer or supplier, if
1 27 the supplier fails to make payment or credit the account of
1 28 the dealer as provided in any provision of this chapter,
1 29 the supplier is liable in a civil action brought by the
1 30 dealer for the repurchase amount set forth in section 322F.3,
1 31 plus interest as calculated pursuant to paragraph "a". The
1 32 supplier's civil liability as provided in this paragraph shall
1 33 be in addition to and not in lieu of any remedy provided by
1 34 subsection 1, paragraph "a", subparagraph (1).

1 35 EXPLANATION



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 320 - Introduced continued

2 1 This bill addresses supplier=dealership agreements under
2 2 Code chapter 322F, involving franchises for agricultural
2 3 equipment; all=terrain vehicles; and construction, industrial,
2 4 or utility equipment. Generally the Code chapter regulates
2 5 business relationships between dealerships and suppliers
2 6 by providing for the terms and conditions of dealership
2 7 agreements. Code section 322F.7 includes a list of supplier
2 8 violations and Code section 322F.8 provides a list of causes
2 9 for a supplier's liability, including for damages sustained
2 10 by a dealer as a consequence of a supplier's violation of
2 11 the Code chapter. Code section 322F.3 provides that if a
2 12 supplier terminates a dealership agreement, the supplier must
2 13 repurchase the dealer's equipment and parts inventory. The
2 14 bill expressly provides that if a supplier is found liable for
2 15 damages resulting from a violation of the Code chapter, the
2 16 amount due the supplier bears interest at the same rate as for
2 17 the failure to repurchase equipment. It also provides that a
2 18 supplier's civil liability is in addition to the repurchase
2 19 amount required to be paid to the dealer.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 321 - Introduced

SENATE FILE
BY COMMITTEE ON
AGRICULTURE

(SUCCESSOR TO SF 269)

(COMPANION TO LSB
1037HV by committee on
environmental
protection)

A BILL FOR

1 An Act relating to wastewater discharges by on=farm processing
2 operations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1037SV (2) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 321 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.171, Code 2011, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 7A. "Food commodity" means any commodity
1 4 that is derived from a live agricultural animal or harvested
1 5 crop, both as defined in section 717A.1, which is intended for
1 6 human consumption in its raw or processed state, and which
1 7 in its raw state includes but is not limited to milk, eggs,
1 8 vegetables, fruits, nuts, syrup, and honey.

1 9 NEW SUBSECTION. 14A. "On=farm processing operation" means
1 10 any place located on a farm where the form or condition of a
1 11 food commodity originating from that farm or another farm is
1 12 changed or packaged for human consumption, including but not
1 13 limited to a dairy, creamery, winery, distillery, or cannery.
1 14 The change to the food commodity may include cleaning, cooling,
1 15 pasteurizing, purifying, or preserving the food commodity.

1 16 Sec. 2. NEW SECTION. 455B.172A On=farm processing
1 17 operations.

1 18 1. The department shall adopt by rule standards for the
1 19 disposal of wastewater from an on=farm processing operation.
1 20 These standards shall provide for but are not limited to
1 21 disposal by all of the following:

1 22 a. By land application if all of the following apply:

1 23 (1) The volume of wastewater produced by the on=farm
1 24 processing operation is less than one thousand five hundred
1 25 gallons per day.

1 26 (2) The wastewater is land=applied by a person licensed by
1 27 the department under section 455B.172.

1 28 (3) The application rate does not exceed thirty thousand
1 29 gallons per acre per year.

1 30 (4) The application rate does not exceed one thousand five
1 31 hundred gallons per acre per day.

1 32 (5) The standards for land application are consistent
1 33 with the rules for land application of septage that implement
1 34 section 455B.172.

1 35 b. At a publicly owned treatment works or other wastewater



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 321 - Introduced continued

2 1 treatment system with the permission of the owner of the
2 2 treatment works.
2 3 c. Through a subsurface absorption system in conformance
2 4 with applicable regulations of the United States environmental
2 5 protection agency.
2 6 d. Through a disposal system that meets all of the
2 7 following:
2 8 (1) The disposal system is located on the same site as the
2 9 on=farm processing operation.
2 10 (2) The disposal system is constructed in conformance with a
2 11 permit issued by the department.
2 12 (3) For a disposal system that discharges wastewater to
2 13 a water of the United States, the system must be operated in
2 14 conformance with a national pollutant discharge elimination
2 15 system permit issued by the department under section 455B.197.
2 16 2. The department shall adopt by rule standards for the
2 17 disposal of septage from an on=farm processing operation.
2 18 The rules shall provide that the septage may be discharged
2 19 to a permitted septage lagoon or septage drying bed with the
2 20 permission of the owner of the septage system.
2 21 Sec. 3. Section 455B.197, Code 2011, is amended by adding
2 22 the following new subsection:
2 23 NEW SUBSECTION. 5. The owner of an on=farm processing
2 24 operation that produces less than one thousand five hundred
2 25 gallons per day of wastewater shall not be assessed a fee by
2 26 the department under this section.
2 27 EXPLANATION
2 28 This bill provides for on=farm processing operations
2 29 which manufacture products from commodities originating from
2 30 that farm or another farm such as a dairy, creamery, winery,
2 31 distillery, or cannery. The bill requires the department of
2 32 natural resources to adopt standards by rule for the disposal
2 33 of wastewater or septage from that operation. The standards
2 34 for disposal of wastewater must provide for disposal by land
2 35 application, at a wastewater treatment system, through a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 321 - Introduced continued

3 1 subsurface absorption system, or through a disposal system that
3 2 discharges into a public water. The department must also adopt
3 3 by rule standards for the disposal of septage to a septage
3 4 lagoon or septage drying bed.
3 5 The bill provides that the owner of an operation that
3 6 produces less than 1,500 gallons per day of wastewater is
3 7 not required to be assessed a fee for a national pollutant
3 8 discharge elimination system permit.

LSB 1037SV (2) 84

da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 322 - Introduced

SENATE FILE
BY McCoy

A BILL FOR

1 An Act imposing a surcharge applicable to telecommunications
2 carriers to administer the national federation for the blind
3 newslne.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2598XS (3) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 322 - Introduced continued

PAG LIN

1 1 Section 1. Section 216B.3, subsection 19, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. The commission may enter into necessary contracts and
1 4 arrangements with the national federation for the blind to
1 5 provide for the delivery of newspapers over the telephone,
1 6 furnished by the national federation for the blind, and shall
1 7 utilize the surcharge revenue collected pursuant to section
1 8 477.9B to facilitate and administer such delivery.

1 9 Sec. 2. NEW SECTION. 477.9B Surcharge ==== national
1 10 federation for the blind ==== newline.

1 11 1. The board shall adopt by rule a monthly surcharge to be
1 12 imposed on all telecommunications carriers providing service
1 13 in this state. The surcharge shall be imposed uniformly on
1 14 a statewide basis and calculated in an amount necessary to
1 15 generate fifty thousand dollars of annual surcharge revenue.
1 16 Imposition of the annual surcharge shall commence July 1, 2012.

1 17 2. The board shall provide no less than one hundred
1 18 days' notice of the surcharge to be imposed to each
1 19 telecommunications carrier. The board may adjust the amount
1 20 of the surcharge as necessary, but no more than once in any
1 21 calendar year.

1 22 3. The surcharge shall be collected as part of the
1 23 telecommunications carrier's periodic billing to a subscriber.
1 24 The surcharge shall appear as a single line item on a
1 25 subscriber's periodic billing indicating that the surcharge
1 26 is for the national federation for the blind newline
1 27 service. The surcharges shall be remitted quarterly by the
1 28 telecommunications carrier to the board for deposit into the
1 29 fund established in subsection 5.

1 30 4. A telecommunications carrier is not liable for an
1 31 uncollected surcharge for which the telecommunications carrier
1 32 has billed a subscriber but which has not been paid.

1 33 5. Moneys collected pursuant to this section shall be
1 34 deposited in a separate newline surcharge fund within the
1 35 state treasury under the control of the board, and shall be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 322 - Introduced continued

2 1 appropriated annually to the department for the blind to be
2 2 utilized in administering the delivery of newspapers over the
2 3 telephone, furnished by the national federation for the blind
2 4 as provided in section 216B.3. Section 8.33 shall not apply
2 5 to moneys in the fund. Moneys earned as income, including as
2 6 interest, from the fund shall remain in the fund until expended
2 7 as provided in this section.

2 8 EXPLANATION

2 9 This bill establishes a surcharge applicable to
2 10 telecommunications carriers to administer the national
2 11 federation for the blind newsline.

2 12 The bill provides that the Iowa utilities board shall
2 13 adopt by rule a monthly surcharge to be imposed on all
2 14 telecommunications carriers providing service in Iowa,
2 15 beginning July 1, 2012, in an amount necessary to generate
2 16 \$50,000 of annual surcharge revenue. The bill states that
2 17 the board shall provide no less than 100 days' notice of the
2 18 surcharge to be imposed, and that the board may adjust the
2 19 amount of the surcharge as necessary, but no more than once
2 20 in any calendar year. The bill provides that the surcharge
2 21 shall be collected as part of the telecommunications carrier's
2 22 periodic billing to a subscriber, appearing as a single
2 23 line item indicating that the surcharge is for the national
2 24 federation for the blind newsline service.

2 25 The surcharge shall be remitted quarterly by each carrier
2 26 and deposited in a separate newsline surcharge fund within the
2 27 state treasury under the control of the board. The revenue
2 28 shall be appropriated annually to the department for the blind
2 29 to be utilized in administering the delivery of newspapers over
2 30 the telephone, furnished by the national federation for the
2 31 blind.

LSB 2598XS (3) 84

rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 323 - Introduced

SENATE FILE
BY McCOY

A BILL FOR

1 An Act relating to the criminal or attempted criminal
2 transmission of the human immunodeficiency virus, and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1041XS (8) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 323 - Introduced continued

PAG LIN

1 1 Section 1. Section 692A.101, subsection 1, paragraph
1 2 a, subparagraph (9), Code 2011, is amended by striking the
1 3 subparagraph.
1 4 Sec. 2. Section 692A.102, subsection 1, paragraph c,
1 5 subparagraph (23), Code 2011, is amended by striking the
1 6 subparagraph.
1 7 Sec. 3. Section 709C.1, Code 2011, is amended to read as
1 8 follows:
1 9 709C.1 Criminal or attempted criminal transmission of human
1 10 immunodeficiency virus.
1 11 1. A person commits criminal or attempted criminal
1 12 transmission of the human immunodeficiency virus if the person,
1 13 knowing that the person's human immunodeficiency virus status
1 14 is positive, does any of the following:
1 15 a. Engages in unprotected intimate contact with another
1 16 person.
1 17 b. Transfers, donates, or provides the person's blood,
1 18 tissue, semen, organs, or other potentially infectious bodily
1 19 fluids for transfusion, transplantation, insemination, or other
1 20 administration to another person.
1 21 c. Dispenses, delivers, exchanges, sells, or in any other
1 22 way transfers to another person any nonsterile intravenous or
1 23 intramuscular drug paraphernalia previously used by the person
1 24 infected with the human immunodeficiency virus.
1 25 2. For the purposes of this section:
1 26 a. "Another person" means a person who does not know the
1 27 infected person's human immunodeficiency virus status is
1 28 positive at the time of the exposure, does not know the action
1 29 of exposure could result in the transmission of the human
1 30 immunodeficiency virus, or, with the knowledge the infected
1 31 person has a positive human immunodeficiency virus status, does
1 32 not consent to the action of exposure.
1 33 ~~a.~~ b. "Human immunodeficiency virus" means the human
1 34 immunodeficiency virus identified as the causative agent of
1 35 acquired immune deficiency syndrome.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 323 - Introduced continued

2 1 ~~b.~~ c. "Intimate contact" means the intentional exposure
2 2 of the body of one person to a bodily fluid of another person
2 3 in a manner that could result in the transmission of the human
2 4 immunodeficiency virus.
2 5 ~~e.~~ d. "Intravenous or intramuscular drug paraphernalia"
2 6 means any equipment, product, or material of any kind which is
2 7 peculiar to and marketed for use in injecting a substance into
2 8 or withdrawing a bodily fluid from the human body.
2 9 e. "Unprotected intimate contact" means intimate contact
2 10 that does not involve the use of a condom or similar device.
2 11 3. a. Criminal transmission of the human immunodeficiency
2 12 virus is a class "B" felony if an infection with the human
2 13 immunodeficiency virus occurred.
2 14 b. Attempted criminal transmission of the human
2 15 immunodeficiency virus is an aggravated misdemeanor if no
2 16 infection with the human immunodeficiency virus occurred.
2 17 ~~4. This section shall not be construed to require that an~~
~~2 18 infection with the human immunodeficiency virus has occurred~~
~~2 19 for a person to have committed criminal transmission of the~~
~~2 20 human immunodeficiency virus.~~
2 21 ~~5. It is an affirmative defense that the person exposed to~~
~~2 22 the human immunodeficiency virus knew that the infected person~~
~~2 23 had a positive human immunodeficiency virus status at the time~~
~~2 24 of the action of exposure, knew that the action of exposure~~
~~2 25 could result in transmission of the human immunodeficiency~~
~~2 26 virus, and consented to the action of exposure with that~~
~~2 27 knowledge.~~

2 28 EXPLANATION

2 29 This bill relates to criminal transmission of the human
2 30 immunodeficiency virus.

2 31 The bill provides that a person commits criminal
2 32 transmission of the human immunodeficiency virus if the
2 33 person has unprotected intimate contact with another person
2 34 who does not have knowledge of the person's positive human
2 35 immunodeficiency virus status, does not know the action of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 323 - Introduced continued

3 1 exposure could result in the transmission of the virus, or,
3 2 with the knowledge the infected person has a positive human
3 3 immunodeficiency virus status, does not consent to the action
3 4 of exposure. The bill defines "unprotected intimate contact"
3 5 to mean intimate contact that does not involve the use of a
3 6 condom or similar device. Current law does not specify whether
3 7 the intimate contact be protected contact or unprotected
3 8 contact, only that the intimate contact lead to the intentional
3 9 exposure of the body of one person to a bodily fluid of another
3 10 person in a manner that could result in the transmission of the
3 11 human immunodeficiency virus.

3 12 The bill provides a different criminal penalty for criminal
3 13 transmission of the human immunodeficiency virus and for
3 14 attempted criminal transmission of the human immunodeficiency
3 15 virus. Under the bill, the criminal penalty for criminal
3 16 transmission of the human immunodeficiency virus remains a
3 17 class "B" felony if a human immunodeficiency virus infection
3 18 occurred. If no human immunodeficiency virus infection occurs,
3 19 the offense is classified as attempted criminal transmission
3 20 of the human immunodeficiency virus, and this offense is
3 21 classified as an aggravated misdemeanor.

3 22 The bill strikes a provision providing an affirmative
3 23 defense to the crime of criminal transmission of the human
3 24 immunodeficiency virus when the alleged victim knew of the
3 25 defendant's positive human immunodeficiency virus status, knew
3 26 the action of exposure could result in the transmission of
3 27 the virus, and consented to the action of exposure with that
3 28 knowledge.

3 29 The bill strikes the requirement that a person convicted
3 30 of criminal transmission of the human immunodeficiency virus
3 31 be required to register as a sex offender and also does not
3 32 require a person convicted of attempted criminal transmission
3 33 of the human immunodeficiency virus to register as a sex
3 34 offender.

3 35 A class "B" felony is punishable by confinement for no more



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 323 - Introduced continued

4 1 than 25 years.

4 2 An aggravated misdemeanor is punishable by confinement for

4 3 no more than two years and a fine of at least \$625 but not more

4 4 than \$6,250.

LSB 1041XS (8) 84

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act providing for family disability leave benefits,
2 establishing a task force, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2416XS (4) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 96A.1 Title.
1 2 This chapter shall be known as the "Iowa Family Disability
1 3 Leave Benefits Law".
1 4 Sec. 2. NEW SECTION. 96A.2 Definitions.
1 5 As used in this chapter, unless the context clearly requires
1 6 otherwise:
1 7 1. "Appeal board" means the employment appeal board created
1 8 under section 10A.601.
1 9 2. "Base period" means the period beginning with the
1 10 first day of the five completed calendar quarters immediately
1 11 preceding the first day of a covered individual's benefit year
1 12 and ending with the last day of the next to the last completed
1 13 calendar quarter immediately preceding the date on which the
1 14 covered individual filed a valid claim.
1 15 3. "Benefit year" means a period of one year beginning with
1 16 the day with respect to which a covered individual filed a
1 17 valid claim for benefits.
1 18 4. "Benefits" means the money payments payable to a covered
1 19 individual, as provided in this chapter, with respect to the
1 20 individual's family disability leave.
1 21 5. "Calendar quarter" means the period of three consecutive
1 22 calendar months ending on March 31, June 30, September 30, or
1 23 December 31.
1 24 6. "Child" means a biological, adopted, or foster child,
1 25 stepchild, or legal ward who is less than eighteen years of age
1 26 or is eighteen years of age or older but incapable of self-care
1 27 because of mental or physical impairment.
1 28 7. "Contributions" means the money payments to the family
1 29 disability leave benefits fund required by this chapter.
1 30 8. "Covered employer" means an employer as defined in
1 31 section 96.19, subsection 16.
1 32 9. "Covered individual" means an individual who is in
1 33 employment with a covered employer and who has been employed
1 34 for at least twelve months by the covered employer and for at
1 35 least one thousand two hundred fifty hours of service with the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

2 1 covered employer during the previous twelve=month period.
2 2 10. "Department" means the department of workforce
2 3 development created in section 84A.1.
2 4 11. "Director" means the director of the department of
2 5 workforce development created in section 84A.1.
2 6 12. "Employment" means as defined in section 96.19,
2 7 subsection 18.
2 8 13. "Family disability leave" means unpaid leave taken by a
2 9 covered individual from employment to provide care for a family
2 10 member made necessary by the following:
2 11 a. The birth of a child of the individual.
2 12 b. The placement of a child with the individual in
2 13 connection with the adoption of the child by the individual.
2 14 c. A serious health condition of a family member of the
2 15 individual.
2 16 d. Attending a parent=teacher conference for a child.
2 17 e. Accompanying a family member for routine medical or
2 18 dental care.
2 19 14. "Family member" means a child, parent, or spouse of a
2 20 covered individual.
2 21 15. "Fund" means the family disability leave benefits
2 22 fund established by this chapter, to which all contributions
2 23 required and from which all benefits provided under this
2 24 chapter shall be paid.
2 25 16. "Parent" means a biological parent, foster parent,
2 26 adoptive parent, or stepparent of a covered individual or a
2 27 person who was a legal guardian of the covered individual when
2 28 the covered individual was a child.
2 29 17. "Serious health condition" means an illness, injury,
2 30 or physical or mental condition which requires inpatient care
2 31 in a hospital, hospice, or residential medical care facility;
2 32 or continuing medical treatment or continuing supervision by
2 33 a health care provider.
2 34 18. "Statewide average weekly wage" means the amount
2 35 computed by the department as provided in chapter 96 concerning



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

3 1 unemployment compensation.
3 2 19. "Wages" means as defined in section 96.19, subsection
3 3 41.
3 4 20. "Week" means such period or periods of seven consecutive
3 5 calendar days ending at midnight, or as the department may by
3 6 rule prescribe.
3 7 21. "Weekly benefit amount" means the amount of benefits a
3 8 covered individual would be entitled to receive for one week
3 9 of family disability leave. An individual's weekly benefit
3 10 amount, as determined for the first week of the individual's
3 11 benefit year, shall constitute the individual's weekly benefit
3 12 amount throughout such benefit year.
3 13 Sec. 3. NEW SECTION. 96A.3 Duties, powers, rules ====
3 14 privilege.
3 15 1. Duties and powers of director. The director shall
3 16 administer this chapter and shall adopt rules pursuant to
3 17 chapter 17A, employ such persons, make such expenditures,
3 18 require such reports, make such investigations, and take such
3 19 other action as the director deems necessary or suitable
3 20 to that end. Not later than the fifteenth day of December
3 21 of each year, the director shall submit to the governor a
3 22 report covering the administration and operation of this
3 23 chapter during the preceding fiscal year and shall make such
3 24 recommendations for amendments to this chapter as the director
3 25 deems proper. Such report shall include a balance sheet of the
3 26 moneys in the fund.
3 27 2. General and special rules. Each covered employer shall
3 28 post and maintain printed statements of all rules of the
3 29 department in places readily accessible to individuals in the
3 30 employer's service, and shall make available to each such
3 31 individual at the time the individual is absent from work due
3 32 to a family disability leave potentially compensable under
3 33 this chapter a printed statement of such rules relating to the
3 34 filing of claims for benefits. Such printed statements shall
3 35 be supplied by the department to each employer without cost to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

4 1 the employer.
4 2 3. Publications. The director shall cause to be printed
4 3 for distribution to the public the text of this chapter, the
4 4 department's general rules, its annual reports to the governor,
4 5 and any other material the director deems relevant and suitable
4 6 and shall furnish the same to any person upon application
4 7 therefor.
4 8 4. Records, reports, and confidentiality.
4 9 a. An employing unit shall keep true and accurate work
4 10 records containing information required by the department.
4 11 The records shall be open to inspection and copying by an
4 12 authorized representative of the department at any reasonable
4 13 time and as often as necessary. An authorized representative
4 14 of the department may require from an employing unit a sworn
4 15 or unsworn report, with respect to individuals employed by the
4 16 employing unit, which the department deems necessary for the
4 17 effective administration of this chapter.
4 18 b. (1) The department shall hold confidential the
4 19 information obtained from an employer or individual in
4 20 the course of administering this chapter and the initial
4 21 determination made by a representative of the department under
4 22 section 96A.8, subsection 2, as to the benefit rights of an
4 23 individual. The department shall not disclose or open this
4 24 information for public inspection in a manner that reveals the
4 25 identity of the employer or the individual, except as provided
4 26 in subparagraph (3) or paragraph "c".
4 27 (2) A report or statement, whether written or verbal,
4 28 made by a person to a representative of the department or
4 29 to another person administering this chapter is a privileged
4 30 communication. A person is not liable for slander or libel
4 31 on account of the report or statement unless the report or
4 32 statement is made with malice.
4 33 (3) Information obtained from an employer or individual
4 34 in the course of administering this chapter and an initial
4 35 determination made by a representative of the department



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

5 1 under section 96A.8, subsection 2, as to benefit rights of
5 2 an individual shall not be used in any action or proceeding,
5 3 except in a contested case proceeding or judicial review under
5 4 chapter 17A. However, the department shall make information,
5 5 which is obtained from an employer or individual in the
5 6 course of administering this chapter and which relates to
5 7 the employment and wage history of the individual, available
5 8 to a county attorney for the county attorney's use in the
5 9 performance of duties under section 331.756, subsection 5.
5 10 The information may be used by the interested parties in a
5 11 proceeding under this chapter to the extent necessary for the
5 12 proper presentation or defense of a claim.
5 13 c. Subject to conditions as the department by rule
5 14 prescribes, information obtained from an employer or individual
5 15 in the course of administering this chapter and an initial
5 16 determination made by a representative of the department
5 17 under section 96A.8, subsection 2, as to benefit rights of an
5 18 individual may be made available for purposes consistent with
5 19 the purposes of this chapter to any of the following:
5 20 (1) The internal revenue service of the United States
5 21 department of the treasury.
5 22 (2) The department of revenue.
5 23 (3) Colleges, universities, and public agencies of this
5 24 state for use in connection with research of a public nature,
5 25 provided the department does not reveal the identity of an
5 26 employer or individual.
5 27 (4) An employee of the department, a member of the general
5 28 assembly, or a member of the Congress of the United States in
5 29 connection with the employee's or member's official duties.
5 30 d. Upon request of an agency of this or another state
5 31 or of the federal government which administers or operates
5 32 a program of public assistance or child support enforcement
5 33 under either the law of this or another state or federal
5 34 law, or which is charged with a duty or responsibility under
5 35 the program, and if the agency is required by law to impose



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

6 1 safeguards for the confidentiality of information at least as
6 2 effective as required under this subsection, the department
6 3 shall provide to the requesting agency, with respect to any
6 4 named individual without regard to paragraph "g", any of the
6 5 following information:
6 6 (1) Whether the individual is receiving or has received
6 7 benefits, or has made an application for benefits under this
6 8 chapter.
6 9 (2) The period, if any, for which benefits were payable and
6 10 the weekly benefit amount.
6 11 (3) The individual's most recent address.
6 12 e. The department may require an agency which is provided
6 13 information under this subsection to reimburse the department
6 14 for the costs of furnishing the information.
6 15 f. An employee of the department, an administrative
6 16 law judge, or a member of the appeal board who violates
6 17 this subsection is guilty, upon conviction, of a serious
6 18 misdemeanor.
6 19 g. Information subject to the confidentiality of this
6 20 subsection shall not be directly released to any authorized
6 21 agency unless an attempt is made to provide written
6 22 notification to the individual involved. Information released
6 23 in accordance with criminal investigations by a law enforcement
6 24 agency of this state, another state, or the federal government
6 25 is exempt from this requirement.
6 26 h. The department and its employees shall not be liable for
6 27 any acts or omissions resulting from the release of information
6 28 to any person pursuant to this subsection.
6 29 5. Oaths and witnesses. In the discharge of the duties
6 30 imposed by this chapter, the chairperson of the appeal board
6 31 and any duly authorized representative of the department
6 32 shall have power to administer oaths and affirmations, take
6 33 depositions, certify to official acts, and issue subpoenas to
6 34 compel the attendance of witnesses and the production of books,
6 35 papers, correspondence, memoranda, and other records deemed



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced continued

7 1 necessary as evidence in connection with a disputed claim or
7 2 the administration of this chapter.
7 3 6. Subpoenas. In case of contumacy by, or refusal to obey
7 4 a subpoena issued to any person, any court of this state within
7 5 the jurisdiction of which the inquiry is carried on or within
7 6 the jurisdiction of which the person guilty of contumacy or
7 7 refusal to obey is found or resides or transacts business, upon
7 8 application by the department, or any member or duly authorized
7 9 representative thereof, shall have jurisdiction to issue to
7 10 such person an order requiring such person to appear before
7 11 the department or any member or duly authorized representative
7 12 thereof to produce evidence if so ordered or to give testimony
7 13 touching the matter under investigation or in question; any
7 14 failure to obey such order of the court may be punished by the
7 15 court as a contempt thereof.
7 16 7. Protection against self-incrimination. A person shall
7 17 not be excused from attending and testifying or from producing
7 18 books, papers, correspondence, memoranda, and other records
7 19 before the department, or the appeal board, or in obedience
7 20 to a subpoena in any cause or proceeding provided for in
7 21 this chapter, on the ground that the testimony or evidence,
7 22 documentary or otherwise, required of the person may tend to
7 23 incriminate the person or subject the person to a penalty
7 24 for forfeiture; but a person shall not be prosecuted or
7 25 subjected to any penalty of forfeiture for or on account of
7 26 any transaction, matter, or thing concerning which the person
7 27 is compelled, after having claimed privilege against self=
7 28 incrimination, to testify or produce evidence, documentary or
7 29 otherwise, except that such person so testifying shall not be
7 30 exempt from prosecution and punishment for perjury committed
7 31 in so testifying.
7 32 8. Destruction of records. The department may destroy
7 33 or dispose of such original reports or records as have been
7 34 properly recorded or summarized in the permanent records of
7 35 the department and are deemed by the director to be no longer



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

8 1 necessary to the proper administration of this chapter. Wage
8 2 records of the individual or transcripts therefrom may be
8 3 destroyed or disposed of two years after the expiration of the
8 4 period covered by such wage records or upon proof of the death
8 5 of the individual. Such destruction or disposition shall be
8 6 made only by order of the director.

8 7 9. Purging uncollectible overpayments. Notwithstanding any
8 8 other provision of this chapter, the department shall review
8 9 all outstanding overpayments of benefit payments annually.
8 10 The department may determine as uncollectible and purge from
8 11 its records any remaining unpaid balances of outstanding
8 12 overpayments which are ten years or older from the date of the
8 13 overpayment decision.

8 14 10. Reimbursement of setoff costs. The department shall
8 15 include in the amount set off in accordance with section
8 16 421.17, subsection 27, for the collection of an overpayment
8 17 created pursuant to this chapter, an additional amount for the
8 18 reimbursement of setoff costs incurred by the department of
8 19 revenue.

8 20 Sec. 4. NEW SECTION. 96A.4 Private plans.

8 21 1. Any covered employer may establish a private plan for
8 22 the purpose of providing family disability leave benefits in
8 23 lieu of benefits as provided by this chapter. The private plan
8 24 shall provide benefits to the same or greater extent than that
8 25 which is provided under this chapter.

8 26 2. The department shall establish requirements for
8 27 determining whether a private plan meets the requirements of
8 28 this section and shall certify whether a covered employer has
8 29 established an eligible private plan.

8 30 3. Covered individuals of a covered employer that has
8 31 established an eligible private plan shall not be entitled to
8 32 benefits as provided by this chapter. In addition, covered
8 33 individuals and the covered employer of an eligible private
8 34 plan shall not be required to make contributions to the family
8 35 disability leave benefits fund.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced continued

9 1 Sec. 5. NEW SECTION. 96A.5 Nonduplication of benefits.
9 2 Benefits shall not be required to be paid or paid under this
9 3 chapter for any period of family disability leave with respect
9 4 to which benefits are paid or payable under any unemployment
9 5 compensation or similar law, or under any disability or cash
9 6 sickness benefit or similar law, of this state or of any other
9 7 state or of the federal government. Benefits shall not be
9 8 required to be paid or paid under this chapter for any period
9 9 of family disability leave with respect to which benefits are
9 10 paid or payable on account of a disability of the covered
9 11 individual under any worker's compensation law, occupational
9 12 disease law, or similar legislation of this state or of any
9 13 other state or the federal government.
9 14 Sec. 6. NEW SECTION. 96A.6 Coverage.
9 15 All covered individuals shall be entitled on and after
9 16 January 1, 2012, to family disability leave benefits provided
9 17 by this chapter pursuant to family disability leave.
9 18 Sec. 7. NEW SECTION. 96A.7 Family disability leave benefits
9 19 ===== determination ===== duration.
9 20 1. Determination of benefits. a. A covered individual who
9 21 is absent from work during an entire week pursuant to family
9 22 disability leave shall be paid with respect to such weekly
9 23 benefits in an amount which shall be equal to the individual's
9 24 weekly benefit amount. A covered individual who is absent from
9 25 work pursuant to family disability leave for a portion of any
9 26 week and who meets the conditions of eligibility for benefits
9 27 shall be paid with respect to that week an amount equal to the
9 28 individual's weekly benefit amount less that part of wages
9 29 payable to the individual with respect to that week in excess
9 30 of one-fourth of the individual's weekly benefit amount. The
9 31 benefits shall be rounded to the lower multiple of one dollar.
9 32 b. For purposes of this section, a covered individual's
9 33 weekly benefit amount shall be an amount equal to the amount as
9 34 determined pursuant to section 96.3, subsection 4.
9 35 2. Eligibility for benefits. The department shall adopt



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced continued

10 1 rules governing the ability of a covered employer to establish
10 2 reasonable guidelines governing a covered individual's request
10 3 for, and continued eligibility for, family disability leave.
10 4 The rules shall provide that any guidelines established by
10 5 an employer shall not require a covered individual to use
10 6 paid leave prior to becoming eligible for benefits under this
10 7 chapter.

10 8 3. Duration of benefits. The maximum total amount of family
10 9 disability leave for which a covered individual is eligible for
10 10 benefits pursuant to this chapter during a benefit year shall
10 11 not exceed twenty=six weeks. Of the maximum family disability
10 12 leave permitted pursuant to this section, no more than
10 13 twenty=four hours shall be family disability leave as described
10 14 in section 96A.2, subsection 13, paragraphs "d" and "e".

10 15 Sec. 8. NEW SECTION. 96A.8 Filing ==== determination ====
10 16 appeal.

10 17 1. Filing. Claims for benefits shall be made in accordance
10 18 with such rules as the department may prescribe.

10 19 2. Initial determination. A representative designated
10 20 by the director shall promptly notify all interested parties
10 21 to the claim of its filing, and the parties shall have ten
10 22 days from the date of mailing the notice of the filing of the
10 23 claim by ordinary mail to the last known address to protest
10 24 payment of benefits to the claimant. The representative shall
10 25 promptly examine the claim and any protest, take the initiative
10 26 to ascertain relevant information concerning the claim, and,
10 27 on the basis of the facts found by the representative, shall
10 28 determine whether or not the claim is valid, the week with
10 29 respect to which benefits shall commence, the weekly benefit
10 30 amount payable and its maximum duration, and whether any
10 31 disqualification shall be imposed. The claimant has the burden
10 32 of proving that the claimant meets the basic eligibility
10 33 conditions of this chapter. Unless the claimant or other
10 34 interested party, after notification or within ten calendar
10 35 days after notification was mailed to the claimant's last



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

11 1 known address, files an appeal from the decision, the decision
11 2 is final and benefits shall be paid or denied in accordance
11 3 with the decision. If an administrative law judge affirms a
11 4 decision of the representative, or the appeal board affirms a
11 5 decision of the administrative law judge allowing benefits,
11 6 the benefits shall be paid regardless of any appeal which is
11 7 thereafter taken.

11 8 3. Appeals. Unless the appeal is withdrawn, an
11 9 administrative law judge, after affording the parties
11 10 reasonable opportunity for fair hearing, shall affirm or modify
11 11 the findings of fact and decision of the representative. The
11 12 hearing shall be conducted pursuant to the provisions of
11 13 chapter 17A relating to hearings for contested cases. Before
11 14 the hearing is scheduled, the parties shall be afforded
11 15 the opportunity to choose either a telephone hearing or an
11 16 in=person hearing. A request for an in=person hearing shall
11 17 be approved unless the in=person hearing would be impractical
11 18 because of the distance between the parties to the hearing. A
11 19 telephone or in=person hearing shall not be scheduled before
11 20 the seventh calendar day after the parties receive notice of
11 21 the hearing. Reasonable requests for the postponement of a
11 22 hearing shall be granted. The parties shall be duly notified
11 23 of the administrative law judge's decision, together with
11 24 the administrative law judge's reasons for the decision,
11 25 which is the final decision of the department, unless within
11 26 fifteen days after the date of notification or mailing of
11 27 the decision, further appeal is initiated pursuant to this
11 28 section. Appeals from the initial determination shall be heard
11 29 by an administrative law judge employed by the department. An
11 30 administrative law judge's decision may be appealed by any
11 31 party to the appeal board. The decision of the appeal board is
11 32 final agency action and an appeal of the decision shall be made
11 33 directly to the district court.

11 34 4. Effect of determination. A finding of fact or law,
11 35 judgment, conclusion, or final order made pursuant to this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced continued

12 1 section by an employee or representative of the department,
12 2 administrative law judge, or the appeal board, is binding only
12 3 upon the parties to proceedings brought under this chapter,
12 4 and is not binding upon any other proceedings or action
12 5 involving the same facts brought by the same or related parties
12 6 before the division of labor services, division of workers'
12 7 compensation, other state agency, arbitrator, court, or judge
12 8 of this state or the United States.

12 9 Sec. 9. NEW SECTION. 96A.9 Recovery of overpayment of
12 10 benefits.

12 11 If a covered individual receives benefits for which the
12 12 individual is subsequently determined to be ineligible, even
12 13 though the individual acts in good faith and is not otherwise
12 14 at fault, the benefits shall be recovered. The department
12 15 in its discretion may recover the overpayment of benefits
12 16 either by having a sum equal to the overpayment deducted from
12 17 any future benefits payable to the individual or by having
12 18 the individual pay to the department a sum equal to the
12 19 overpayment.

12 20 Sec. 10. NEW SECTION. 96A.10 Waiver ==== fees ==== assignments
12 21 ==== penalties.

12 22 1. Waiver of rights void. Any agreement by a covered
12 23 individual to waive, release, or commute the individual's
12 24 rights to benefits or any other rights under this chapter shall
12 25 be void. Any agreement by any individual in the employ of
12 26 any person or concern to pay all or any portion of a covered
12 27 employer's contributions, required under this chapter from
12 28 such employer, shall be void. A covered employer shall not
12 29 directly or indirectly make or require or accept any deduction
12 30 from wages to finance the employer's contributions required
12 31 from the employer, or require or accept any waiver of any
12 32 right hereunder by any individual in the employer's employ.
12 33 Any covered employer or officer or agent of an employer who
12 34 violates any provision of this subsection shall, for each
12 35 offense, be guilty of a serious misdemeanor.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 324 - Introduced continued

13 1 2. Prohibition against fees. A covered individual claiming
13 2 benefits under this chapter shall not be charged fees of any
13 3 kind in any proceeding under this chapter by the department or
13 4 its representatives or by a court or an officer of the court.
13 5 An individual claiming benefits in a proceeding before the
13 6 department, an appeal tribunal, or a court may be represented
13 7 by counsel or other duly authorized agent. A person who
13 8 violates a provision of this subsection is guilty of a serious
13 9 misdemeanor for each violation.

13 10 3. No assignment of benefits ==== exemptions. a. Any
13 11 assignment, pledge, or encumbrance of any right to benefits
13 12 which are or may become due or payable under this chapter shall
13 13 be void, and such rights to benefits shall be exempt from levy,
13 14 execution, attachment, or any other remedy whatsoever provided
13 15 for the collection of debt; and benefits received by any
13 16 individual, so long as they are not mingled with other funds
13 17 of the recipient, shall be exempt from any remedy whatsoever
13 18 for the collection of all debts. Any waiver of any exemption
13 19 provided for in this subsection shall be void.

13 20 b. However, benefits under this chapter are not exempt from
13 21 income withholding, garnishment, attachment, or execution if
13 22 withheld for or garnisheed by the child support recovery unit,
13 23 established in section 252B.2, or if an income withholding
13 24 order or notice of the income withholding order under section
13 25 598.22 or 598.23 is being enforced by the child support
13 26 recovery unit to satisfy the child support obligation of a
13 27 covered individual who is eligible for benefits under this
13 28 chapter.

13 29 Sec. 11. NEW SECTION. 96A.11 Family disability leave
13 30 benefits fund.

13 31 1. Establishment and control. A family disability leave
13 32 benefits fund is hereby established as a special fund, separate
13 33 and apart from all public moneys or funds of this state. The
13 34 department shall administer the fund exclusively for the
13 35 purposes of this chapter. The fund shall consist of all of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

14 1 following:
14 2 a. All contributions collected under this chapter,
14 3 including any interest and penalties collected on delinquent
14 4 contributions.
14 5 b. Interest earned upon any moneys in the fund.
14 6 c. Any property or securities acquired through the use of
14 7 moneys belonging to the fund.
14 8 d. All earnings of such property or securities.
14 9 e. Any other moneys specifically directed or appropriated
14 10 to the fund.
14 11 2. Accounts and deposits. The treasurer of state shall
14 12 be the custodian of the fund and shall administer the fund in
14 13 accordance with the directions of the department.
14 14 3. Exclusive use. Moneys in the fund shall be held in trust
14 15 for the exclusive payment of family disability leave benefits
14 16 pursuant to this chapter.
14 17 Sec. 12. NEW SECTION. 96A.12 Contributions.
14 18 1. Covered employers who have not established an eligible
14 19 private plan pursuant to section 96A.4 and all employees of
14 20 a covered employer shall pay into the fund contributions as
14 21 provided by this section.
14 22 2. a. For each calendar year, the department shall by
14 23 November 1 of the previous calendar year, establish a total
14 24 contribution rate for the upcoming calendar year based upon
14 25 the anticipated wages of employees of covered employers for
14 26 the upcoming calendar year which shall be sufficient to pay
14 27 anticipated benefits pursuant to this chapter for that calendar
14 28 year.
14 29 b. Of the total contribution rate established by the
14 30 department, covered employers shall pay contributions based
14 31 on two-thirds of the total contribution rate established and
14 32 employees of covered employers shall pay contributions based
14 33 on one-third of the total contribution rate established by the
14 34 department. Covered employers shall ensure that the employee
14 35 contribution shall be deducted from the employee's wages.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

15 1 Sec. 13. NEW SECTION. 96A.13 Priority ==== refunds.
15 2 1. Interest. An employer who fails to pay any contribution
15 3 at the time required by this chapter and the rules of the
15 4 department shall pay to the department in addition to such
15 5 contribution, interest thereon at the rate of one percent per
15 6 month and one-thirtieth of one percent for each day or fraction
15 7 thereof computed from the date upon which the contribution
15 8 should have been paid.
15 9 2. Fraud ==== penalty. If the department finds that an
15 10 employer has willfully failed to pay any contribution or part
15 11 thereof when required by this chapter and the rules of the
15 12 department, with intent to defraud the department, the employer
15 13 shall in addition to such contribution or part thereof, pay
15 14 a contribution equal to fifty percent of the amount of such
15 15 contribution or part thereof, as the case may be.
15 16 3. Cancellation upon proof. The department may cancel any
15 17 interest or penalties if it is shown to the satisfaction of
15 18 the department that the failure to pay a required contribution
15 19 or to file a required report was not the result of negligence,
15 20 fraud, or intentional disregard of the law or the rules of the
15 21 department.
15 22 4. Lien of contributions ==== collection. Whenever any covered
15 23 employer liable to pay contributions refuses or neglects to pay
15 24 the contributions, the amount, including any interest, together
15 25 with the costs that may accrue in addition thereto, shall be
15 26 a lien in favor of the state upon all property and rights to
15 27 property, whether real or personal, belonging to the employer.
15 28 Sec. 14. NEW SECTION. 96A.14 Offenses.
15 29 1. Penalties. An individual who makes a false statement
15 30 or representation knowing it to be false or knowingly fails to
15 31 disclose a material fact, to obtain or increase any benefit or
15 32 other payment under this chapter, either for the individual or
15 33 for any other individual, is guilty of a fraudulent practice
15 34 as defined in sections 714.8 through 714.14. The total amount
15 35 of benefits or payments involved in the completion of or in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

16 1 the attempt to complete a fraudulent practice shall be used in
16 2 determining the value involved under section 714.14.
16 3 2. False statement. Any covered employer or any officer
16 4 or agent of a covered employer or any other person who makes a
16 5 false statement or representation knowing it to be false, or
16 6 who knowingly fails to disclose a material fact, to prevent
16 7 or reduce the payment of benefits to any individual entitled
16 8 thereto, or to avoid becoming or remaining subject hereto,
16 9 or to avoid or reduce any contribution or other payment
16 10 required from a covered employer under this chapter, or who
16 11 willfully fails or refuses to make any such contributions or
16 12 other payment or to furnish any reports required hereunder
16 13 or to produce or permit the inspection or copying of records
16 14 as required hereunder, is guilty of a fraudulent practice as
16 15 defined in sections 714.8 through 714.14. The total amount of
16 16 benefits, contributions, or payments involved in the completion
16 17 of or in the attempt to complete a fraudulent practice shall be
16 18 used in determining the value involved under section 714.14.
16 19 3. Unlawful acts. Any person who willfully violates any
16 20 provision of this chapter or any rule adopted pursuant to
16 21 this chapter, the violation of which is made unlawful or
16 22 the observance of which is required under the terms of this
16 23 chapter, and for which a penalty is neither prescribed herein
16 24 nor provided by any other applicable statute, shall be guilty
16 25 of a simple misdemeanor, and each day such violation continues
16 26 shall be deemed to be a separate offense.
16 27 4. Misrepresentation. An individual who, by reason of the
16 28 nondisclosure or misrepresentation by the individual or by
16 29 another of a material fact, has received any sum as benefits
16 30 under this chapter while any conditions for the receipt of
16 31 benefits imposed by this chapter were not fulfilled in the
16 32 individual's case, or while the individual was disqualified
16 33 from receiving benefits, shall, in the discretion of the
16 34 department, either be liable to have the sum deducted from any
16 35 future benefits payable to the individual under this chapter



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

17 1 or shall be liable to repay to the department for the fund,
17 2 a sum equal to the amount so received by the individual. If
17 3 the department seeks to recover the amount of the benefits by
17 4 having the individual pay to the department a sum equal to that
17 5 amount, the department may file a lien with the county recorder
17 6 in favor of the state on the individual's property and rights
17 7 to property, whether real or personal.

17 8 Sec. 15. TASK FORCE ON WORK AND THE FAMILY.

17 9 1. A task force on work and the family is established under
17 10 the sponsorship of the department of workforce development.
17 11 The task force shall consist of the following members: the
17 12 director of the department of workforce development and
17 13 fourteen public members, appointed by the governor and
17 14 confirmed by the senate, including four representatives
17 15 of women's organizations; four representatives of labor
17 16 organizations; four representatives of business organizations;
17 17 and two individuals with expertise on the impact of work on
17 18 family life. Not more than seven of the public members shall
17 19 be of the same political party. Each member shall serve on
17 20 the task force for a term lasting until the task force is
17 21 dissolved. Any member may be removed from office by the
17 22 governor, for cause, after a hearing and may be suspended
17 23 by the governor pending the completion of the hearing. All
17 24 vacancies shall be filled in the same manner as the original
17 25 appointment. Members shall serve without compensation. The
17 26 task force shall organize itself within fifteen days after
17 27 the appointment of its members. In organizing itself, the
17 28 task force shall elect a chairperson and vice chairperson
17 29 from among its members. Each member shall be entitled to one
17 30 vote on all matters which may come before the task force. No
17 31 determination, decision, or action of the task force shall be
17 32 made or taken unless a majority of the members votes in favor
17 33 of the action.

17 34 2. The task force shall issue a report not later than
17 35 June 1, 2015, which evaluates and describes the impact of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

1 provisions of chapter 96A, including the costs and benefits
2 resulting from the provisions of the chapter for the following:
3 a. Employees and their families.
4 b. Employers, including benefits such as reduced training
5 and other costs related to reduced turnover of personnel, and
6 increased affordability of family disability leave benefits
7 through the provisions of chapter 96A, with special attention
8 given to small businesses.
9 c. The public, including savings caused by any reduction in
10 the number of people receiving public assistance.

11 The task force shall evaluate the impact of the provisions of
12 chapter 96A on welfare costs and on the stability of employment
13 of participants. The report shall include recommendations
14 regarding whether to continue or modify the provisions of
15 chapter 96A after December 31, 2016, and any draft legislation
16 needed to implement the recommendations. The task force shall
17 dissolve immediately after issuing the report. The task force
18 may hold public hearings and shall have access to all files
19 and records of the department of revenue and finance, the
20 department of workforce development, and other relevant state
21 agencies and may call to its assistance and avail itself of the
22 services of the employees of those departments and agencies to
23 provide whatever information the task force deems necessary in
24 the performance of its functions.

25 3. The total amount of expenses which the task force
26 determines is necessary to carry out its duties pursuant
27 to this section, if any, shall be provided through an
28 appropriation to the department of workforce development,
29 except that the amount shall in no case exceed one hundred
30 fifty thousand dollars during any fiscal year. The task force
31 shall make that determination in consultation with the director
32 of the department of workforce development and shall report
33 that determination to the director not later than the sixtieth
34 day following its organization.

18 35	EXPLANATION
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 324 - Introduced continued

19 1 This bill establishes a family disability leave benefits law
19 2 which provides benefits to individuals who take unpaid time
19 3 from work to provide care for a family member's disability or
19 4 for certain other absences from work. The law is administered
19 5 by the department of workforce development. The bill defines
19 6 family disability leave as unpaid leave for the birth of a
19 7 child of the individual, the placement of a child with the
19 8 individual in connection with the adoption of the child by the
19 9 individual, a serious health condition of a family member of
19 10 the individual, attending a parent=teacher conference for a
19 11 child, and accompanying a family member for routine medical and
19 12 dental care. Benefits are calculated in the same manner as
19 13 unemployment compensation benefits are calculated. The bill
19 14 establishes a mechanism for employers to opt out of coverage
19 15 under the law if the employer has established a private plan to
19 16 provide family disability leave benefits.

19 17 The bill establishes a family disability leave benefits
19 18 fund for the payment of benefits and establishes the mechanism
19 19 for establishing the rate for both employers and employees to
19 20 make contributions into the fund. The department of workforce
19 21 development administers the fund and also provides for the
19 22 payment and determination of benefits payable from the fund.

19 23 The bill provides for the recovery of benefit overpayments
19 24 and establishes penalties for violations of various provisions
19 25 of the law. The bill provides that the rights granted by the
19 26 bill cannot be waived.

19 27 The bill provides that family disability leave benefits
19 28 shall be payable beginning January 1, 2012.

19 29 The bill establishes a task force concerning work and
19 30 family in the department of workforce development to examine
19 31 the impact of the bill and requires the task force to issue
19 32 a report by June 1, 2015, concerning its findings. The bill
19 33 specifies the membership of the task force and provides that
19 34 the costs associated with the task force be payable from an
19 35 appropriation to the department of workforce development.

LSB 2416XS (4) 84

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 325 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1121)

A BILL FOR

1 An Act relating to the boards of directors of public
2 corporations, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1496SV (1) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 325 - Introduced continued

PAG LIN

1 1 Section 1. Section 490.140, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 21A. "Public corporation" means a
1 4 corporation that has a class of voting stock that is listed on
1 5 a national securities exchange or held of record by more than
1 6 two thousand shareholders.

1 7 Sec. 2. Section 490.702, subsection 5, unnumbered paragraph
1 8 1, Code 2011, is amended to read as follows:

1 9 Notwithstanding subsections 1 through 4, a public
1 10 corporation ~~which has a class of voting stock that is listed on~~
~~1 11 a national securities exchange, authorized for quotation on the~~
~~1 12 national association of securities dealers automated quotations~~
~~1 13 - national market system, or held of record by more than two~~
~~1 14 thousand shareholders,~~ is required to hold a special meeting
1 15 only upon the occurrence of either of the following:

1 16 Sec. 3. Section 490.803, subsections 2 and 3, Code 2011, are
1 17 amended to read as follows:

1 18 2. a. The number of directors may be increased or decreased
1 19 from time to time by amendment to, or in the manner provided
1 20 in, the articles of incorporation or the bylaws.

1 21 b. Notwithstanding paragraph "a", the number of directors of
1 22 a public corporation subject to section 490.806A, subsection 1,
1 23 shall be increased or decreased only by the affirmative vote of
1 24 a majority of its board of directors.

1 25 3. Directors are elected at the first annual shareholders'
1 26 meeting and at each annual meeting thereafter unless their
1 27 terms are staggered under section 490.806 or 490.806A.

1 28 Sec. 4. Section 490.805, subsections 2 and 4, Code 2011, are
1 29 amended to read as follows:

1 30 2. The terms of all other directors expire at the next
1 31 annual shareholders' meeting following their election unless
1 32 their terms are staggered under section 490.806 or 490.806A.

1 33 4. The term of a director elected to fill a vacancy expires
1 34 at the next shareholders' meeting at which directors are
1 35 elected, except as provided in section 490.806A.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 325 - Introduced continued

2 1 Sec. 5. Section 490.806, Code 2011, is amended to read as
2 2 follows:
2 3 490.806 Staggered terms for directors.
2 4 ~~The~~ Except as otherwise provided in section 490.806A,
2 5 a corporation's articles of incorporation may provide for
2 6 staggering the terms of its directors by dividing the total
2 7 number of directors into two or three groups, with each group
2 8 containing one-half or one-third of the total, as near as may
2 9 be. In that event, the terms of directors in the first group
2 10 expire at the first annual shareholders' meeting after their
2 11 election, the terms of the second group expire at the second
2 12 annual shareholders' meeting after their election, and the
2 13 terms of the third group, if any, expire at the third annual
2 14 shareholders' meeting after their election. At each annual
2 15 shareholders' meeting held thereafter, directors shall be
2 16 chosen for a term of two years or three years, as the case may
2 17 be, to succeed those whose terms expire.
2 18 Sec. 6. NEW SECTION. 490.806A Public corporations ====
2 19 staggered terms.
2 20 1. Except as provided in subsection 2, and notwithstanding
2 21 anything to the contrary in the articles of incorporation or
2 22 bylaws of a public corporation, the terms of directors of a
2 23 public corporation shall be staggered by dividing the number
2 24 of directors into three groups, as nearly equal in number as
2 25 possible. The first group shall be referred to as "class I
2 26 directors", the second group shall be referred to as "class II
2 27 directors", and the third group shall be referred to as "class
2 28 III directors".
2 29 a. On or before the date on which a public corporation first
2 30 convenes an annual shareholders' meeting following the time
2 31 the public corporation becomes subject to this subsection, the
2 32 board of directors of the public corporation shall by majority
2 33 vote designate from among its members directors to serve as
2 34 class I directors, class II directors, and class III directors.
2 35 b. The terms of directors serving in office on the date that



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 325 - Introduced continued

3 1 the public corporation becomes subject to this subsection shall
3 2 be as follows:

3 3 (1) Class I directors shall continue in office until the
3 4 first annual shareholders' meeting following the date that the
3 5 public corporation becomes subject to this subsection, and
3 6 until their successors are elected. The shareholders' meeting
3 7 shall be conducted not less than eleven months following the
3 8 last annual shareholders' meeting conducted before the public
3 9 corporation became subject to this subsection.

3 10 (2) Class II directors shall continue in office until one
3 11 year following the first annual shareholders' meeting described
3 12 in subparagraph (1), and until their successors are elected.

3 13 (3) Class III directors shall continue in office until
3 14 two years following the first annual shareholders' meeting
3 15 described in subparagraph (1), and until their successors are
3 16 elected.

3 17 c. At each annual shareholders' meeting of a public
3 18 corporation subject to this subsection, the successors to the
3 19 class of directors whose term expires at that meeting shall be
3 20 elected to hold office for a term of three years following such
3 21 meeting and until their successors are elected.

3 22 d. The board of directors of a public corporation subject
3 23 to this subsection shall adopt an amendment to its articles of
3 24 incorporation as provided in section 490.1005A.

3 25 e. Notwithstanding this subsection, the articles of
3 26 incorporation of a public corporation may confer upon the
3 27 holders of preferred shares the right to elect one or more
3 28 directors pursuant to section 490.804, who shall serve for such
3 29 term, and have such voting powers, as shall be stated in the
3 30 articles of incorporation.

3 31 2. Every public corporation shall be subject to subsection
3 32 1, unless it is exempt pursuant to this subsection.

3 33 a. (1) (a) In order for a public corporation in existence
3 34 on the effective date of this Act to be exempt from subsection
3 35 1, its board of directors must adopt a resolution or take



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 325 - Introduced continued

4 1 action under section 490.821 expressly making an election to be
4 2 exempt from the provisions of subsection 1. Such resolution
4 3 or action must be adopted or taken within forty days after the
4 4 effective date of this Act.

4 5 (b) In order for a corporation which becomes a public
4 6 corporation after the effective date of this Act to be
4 7 exempt from subsection 1, its board of directors must adopt
4 8 a resolution or take action under section 490.821 expressly
4 9 making an election to be exempt from the provisions of
4 10 subsection 1. Such resolution or action must be adopted or
4 11 taken within forty days after the date when the corporation
4 12 became a public corporation.

4 13 (2) Upon adopting the resolution or taking board action
4 14 under section 490.821, the public corporation is no longer
4 15 subject to subsection 1, effective immediately unless otherwise
4 16 provided for in the resolution or by the board action.

4 17 b. If on the effective date of this Act the articles of
4 18 incorporation of the public corporation already provide for
4 19 staggering the terms of its directors under section 490.806,
4 20 the public corporation shall be exempt from the provisions of
4 21 subsection 1. In such event, no further corporate action is
4 22 required, and the public corporation is not required to amend
4 23 or modify any provision of its articles of incorporation or
4 24 bylaws in order to be exempt from subsection 1.

4 25 3. A public corporation that is exempt pursuant to
4 26 subsection 2 may elect to become subject to subsection 1 at any
4 27 time. To do so, its board of directors must adopt a resolution
4 28 or take action under section 490.821 expressly making the
4 29 election. On that date the corporation shall become subject to
4 30 subsection 1, unless another date is expressly provided in the
4 31 resolution or by the board action.

4 32 Sec. 7. Section 490.808, subsection 1, Code 2011, is amended
4 33 to read as follows:

4 34 1. a. ~~The~~ Except as provided in paragraph "b", the
4 35 shareholders may remove one or more directors with or without



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 325 - Introduced continued

5 1 cause unless the articles of incorporation provide that
5 2 directors may be removed only for cause.
5 3 b. Notwithstanding its articles of incorporation or bylaws,
5 4 the shareholders of a public corporation subject to section
5 5 490.806A, subsection 1, shall not remove a director without
5 6 cause.
5 7 Sec. 8. Section 490.810, Code 2011, is amended by adding the
5 8 following new subsection:
5 9 NEW SUBSECTION. 1A. For a public corporation subject
5 10 to section 490.806A, subsection 1, a vacancy on the board of
5 11 directors, including but not limited to a vacancy resulting
5 12 from an increase in the number of directors, shall be filled
5 13 solely by the affirmative vote of a majority of the remaining
5 14 directors, even though less than a quorum of the board.
5 15 Sec. 9. NEW SECTION. 490.1005A Public corporation ====
5 16 amendment by board of directors.
5 17 1. The board of directors of a public corporation subject to
5 18 section 490.806A, subsection 1, shall adopt an amendment to its
5 19 articles of incorporation which includes all of the following:
5 20 a. A statement that the public corporation is subject to
5 21 section 490.806A, subsection 1.
5 22 b. Any necessary changes to the articles of incorporation
5 23 required to implement the requirements of section 490.806A,
5 24 subsection 1, including by staggering the terms of the board of
5 25 directors as described in that subsection.
5 26 2. Any amendment to the articles of incorporation as
5 27 provided in subsection 1 of this section shall be made without
5 28 shareholder approval.
5 29 3. Any amendment to the articles of incorporation as
5 30 provided in subsection 1 shall not be subsequently amended,
5 31 modified, superseded, or rescinded in a manner that is
5 32 inconsistent with the requirements of section 490.806A,
5 33 subsection 1.
5 34 Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed
5 35 of immediate importance, takes effect upon enactment.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 325 - Introduced continued

1 EXPLANATION

2 GENERAL. This bill makes special provision for the

3 management of a public corporation by its board of directors.

4 PUBLIC CORPORATION DEFINED. The bill defines a public

5 corporation as either (1) having a class of voting stock listed

6 on a national trading exchange or (2) comprised of more than

7 2,000 shareholders. It deletes a provision referencing the

8 national association of securities dealers automated quotations

9 = national market system to reflect that such system is now a

10 national securities exchange.

11 STAGGERED TERMS FOR BOARD OF DIRECTORS. Currently, the

12 terms of directors for all corporations are for one year

13 (Code section 490.805), unless the terms are staggered by

14 dividing the total number of directors into two groups with

15 the directors serving either one or two years depending upon

16 the group or by dividing directors into three groups with the

17 directors serving one, two, or three years depending upon the

18 group (Code section 490.806). The bill requires that all

19 public corporations divide their number of directors into three

20 equal groups (referred to as "classes") serving staggered

21 three-year terms as designated by the current board. The

22 staggered term requirements apply to directors elected by

23 the public corporation's holders of common shares and not to

24 directors elected by holders of preferred shares (generally

25 a class of ownership enjoying a higher status when claiming

26 assets or earnings).

27 EXEMPTIONS. A public corporation may be exempted from the

28 new staggered term requirements, regardless of whether it is

29 subject to the one-term requirements in Code section 490.805

30 or the staggered term requirements in Code section 490.806.

31 The exemption applies only if its board makes an election to

32 opt out of the new staggered term requirements in Code section

33 490.806A by a date certain. The opt-out provision applies to a

34 public corporation that existed on the bill's effective date or

35 existed at any time as a private corporation and later became a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 325 - Introduced continued

7 1 public corporation after the bill's effective date. A public
7 2 corporation is automatically exempted from the new staggered
7 3 term requirements if it is already subject to the staggered
7 4 term requirements in Code section 490.806. It is not required
7 5 to amend its articles of incorporation or bylaws.
7 6 OPT=IN REQUIREMENTS. For a public corporation that is
7 7 exempt from the new staggered term requirements either because
7 8 of an opt=out election or automatically, its board may at
7 9 any time elect to become subject to the new staggered term
7 10 requirements in Code section 490.806A.
7 11 LIMITATION ON FUTURE AMENDMENTS TO ARTICLES OF
7 12 INCORPORATION. A public corporation that is subject to the
7 13 new staggered term requirements in Code section 490.806A must
7 14 amend its articles of incorporation. The amendment cannot be
7 15 revised in the future in a manner that is inconsistent with the
7 16 requirements.
7 17 OTHER PROVISIONS. Once a public corporation becomes subject
7 18 to the staggered term requirements in Code section 490.806A,
7 19 its directors cannot be removed by the shareholders without
7 20 cause. A vacancy on the board is to be filled only by the
7 21 affirmative vote of a majority of the remaining directors.
7 22 EFFECTIVE DATE. The bill takes effect upon enactment.
LSB 1496SV (1) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 326 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1010)

A BILL FOR

1 An Act relating to the appointment of judicial officers and
2 senior judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1281SV (2) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 326 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 602.2301 Judicial officer
1 2 appointment == delay.
1 3 1. Notwithstanding section 46.12, the chief justice
1 4 may order the state commissioner of elections to delay, for
1 5 budgetary reasons, the sending of a notification to the proper
1 6 judicial nominating commission that a vacancy in the supreme
1 7 court, court of appeals, or district court has occurred or will
1 8 occur.
1 9 2. Notwithstanding sections 602.6304, 602.7103B, and
1 10 633.20B, the chief justice may order any county magistrate
1 11 appointing commission to delay, for budgetary reasons,
1 12 publicizing the notice of a vacancy for a district associate
1 13 judgeship, associate juvenile judgeship, or associate probate
1 14 judgeship.
1 15 3. Notwithstanding section 602.6403, subsection 3, if a
1 16 magistrate position is vacant due to a death, resignation,
1 17 retirement, an increase in the number of positions authorized,
1 18 or to the removal of a magistrate, the chief justice may order
1 19 any county magistrate appointing commission to delay, for
1 20 budgetary reasons, the appointment of a magistrate to serve the
1 21 remainder of an unexpired term.
1 22 Sec. 2. NEW SECTION. 602.6113 Apportionment of certain
1 23 judicial officers == substantial disparity.
1 24 Notwithstanding section 602.6201, 602.6301, 602.6304,
1 25 602.7103B, or 633.20B, if a vacancy occurs in the office of a
1 26 district judge, district associate judge, associate juvenile
1 27 judge, or associate probate judge, and the chief justice of
1 28 the supreme court makes a finding that a substantial disparity
1 29 exists in the allocation of such judgeships and judicial
1 30 workload between judicial election districts, the chief
1 31 justice may apportion the vacant office from the judicial
1 32 election district where the vacancy occurs to another judicial
1 33 election district based upon the substantial disparity finding.
1 34 However, such a judgeship shall not be apportioned pursuant
1 35 to this section unless a majority of the judicial council



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 326 - Introduced continued

2 1 approves the apportionment. This section does not apply to a
2 2 district associate judge office authorized by section 602.6302
2 3 or 602.6307.

2 4 Sec. 3. Section 602.6305, subsections 2 and 3, Code 2011,
2 5 are amended to read as follows:

2 6 2. A person does not qualify for appointment to the office
2 7 of district associate judge unless the person is at the time of
2 8 appointment a resident of the ~~county~~ judicial election district
2 9 in which the vacancy exists, licensed to practice law in Iowa,
2 10 and will be able, measured by the person's age at the time of
2 11 appointment, to complete the initial term of office prior to
2 12 reaching age seventy=two. An applicant for district associate
2 13 judge shall file a certified application form, to be provided
2 14 by the supreme court, with the chairperson of the county
2 15 magistrate appointing commission.

2 16 3. A district associate judge must be a resident of a ~~county~~
2 17 ~~the judicial election district~~ in which the office is held
2 18 during the entire term of office. A district associate judge
2 19 shall serve within the judicial district in which appointed,
2 20 as directed by the chief judge, and is subject to reassignment
2 21 under section 602.6108.

2 22 Sec. 4. Section 602.6401, subsection 2, Code 2011, is
2 23 amended by adding the following new paragraph:

2 24 NEW PARAGRAPH. e. A case=related workload formula.

2 25 Sec. 5. Section 602.6404, subsection 1, Code 2011, is
2 26 amended to read as follows:

2 27 1. A magistrate shall be a resident of the county of
2 28 appointment or a resident of a county contiguous to the county
2 29 of appointment during the magistrate's term of office. A
2 30 magistrate shall serve within the judicial district in which
2 31 appointed, as directed by the chief judge, provided that the
2 32 chief judge may assign a magistrate to hold court outside of
2 33 the county of ~~the magistrate's residence~~ appointment for the
2 34 orderly administration of justice. A magistrate is subject to
2 35 reassignment under section 602.6108.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 326 - Introduced continued

3 1 Sec. 6. Section 602.9203, subsection 1, Code 2011, is
3 2 amended to read as follows:
3 3 1. A supreme court judge, court of appeals judge, district
3 4 judge, district associate judge, full-time associate juvenile
3 5 judge, or full-time associate probate judge, who qualifies
3 6 under subsection 2 may become a senior judge by filing with
3 7 the clerk of the supreme court a written election in the form
3 8 specified by the ~~court administrator~~ supreme court. The
3 9 election shall be filed within six months of the date of
3 10 retirement.

3 11 Sec. 7. Section 602.9203, subsection 2, paragraph c, Code
3 12 2011, is amended to read as follows:

3 13 c. Agrees in writing on a form prescribed by the ~~court~~
3 14 ~~administrator~~ supreme court to be available as long as the
3 15 judicial officer is a senior judge to perform judicial duties
3 16 as assigned by the supreme court for an aggregate period of
3 17 thirteen weeks out of each successive twelve-month period.

3 18 Sec. 8. Section 602.9203, subsection 5, paragraph b, Code
3 19 2011, is amended to read as follows:

3 20 b. A senior judge may be reappointed to ~~an additional~~
3 21 ~~two-year~~ a one-year term upon attaining seventy-eight years of
3 22 age and to a succeeding one-year term, at the discretion of the
3 23 supreme court, if the judicial officer meets the requirements
3 24 of subsection 2.

3 25 EXPLANATION

3 26 This bill relates to the appointment of judicial officers
3 27 and senior judges.

3 28 The bill creates new Code section 602.2301 granting
3 29 authority to the chief justice to delay the nomination of
3 30 a supreme court justice, court of appeals judge, district
3 31 judge, district associate judge, associate juvenile judge,
3 32 or associate probate judge for budgetary reasons. New Code
3 33 section 602.2301 also grants authority to the chief justice to
3 34 delay the appointment of a magistrate to serve the remainder
3 35 of an unexpired term, if the vacancy is due to a death,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 326 - Introduced continued

4 1 resignation, retirement, an increase in the number of positions
4 2 authorized, or to the removal of a magistrate. New Code
4 3 section 602.2301 does not grant authority to the chief justice
4 4 to delay the appointment of magistrates when all magistrates'
4 5 terms expire pursuant to Code section 602.6403(1).

4 6 The bill creates new Code section 602.6113 authorizing the
4 7 chief justice to apportion a vacancy in the office of district
4 8 judge, district associate judge, associate juvenile judge, or
4 9 associate probate judge, from the judicial election district
4 10 where the vacancy occurs to another judicial election district.
4 11 An apportionment from one judicial election district to another
4 12 judicial election district shall not occur under the bill,
4 13 unless the chief justice finds a substantial disparity exists
4 14 in the allocation of judgeships and judicial workload between
4 15 judicial election districts, and a majority of the judicial
4 16 council approves the apportionment. Current law does not
4 17 permit the chief justice and the judicial council to apportion
4 18 vacant judgeships across judicial election district boundaries.

4 19 The amendment to Code section 602.6305 requires a district
4 20 associate judge to reside in the judicial election district
4 21 at the time of appointment and throughout the entire term of
4 22 office. Currently, a district associate judge is required to
4 23 reside in the county where the vacancy exists at the time of
4 24 appointment and throughout the entire term of office.

4 25 The amendment to Code section 602.6401(2) modifies the
4 26 criteria used by the state court administrator to apportion
4 27 magistrates throughout the state. Under the bill, the state
4 28 court administrator must also consider a case-related workload
4 29 formula in addition to the other criteria listed in Code
4 30 section 602.6401(2).

4 31 The amendment to Code section 602.6404(1) allows a
4 32 magistrate to be a resident of a county contiguous to the
4 33 county of appointment during the magistrate's term of office.
4 34 The bill permits the chief judge to assign a magistrate to hold
4 35 court outside of the magistrate's county of appointment for the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 326 - Introduced continued

5 1 orderly administration of justice.

5 2 The amendments to Code section 602.9203(1) and (2) require
5 3 senior judge written forms to be prescribed by the supreme
5 4 court. Currently, the court administrator prescribes the
5 5 forms.

5 6 The amendment to Code section 602.9203(5) specifies that
5 7 a senior judge, upon attaining the age of 78, may serve a
5 8 one=year term and a succeeding one=year term at the discretion
5 9 of the supreme court. Currently, a senior judge, upon
5 10 attaining the age of 78, may serve a two=year term at the
5 11 discretion of the supreme court.

LSB 1281SV (2) 84

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 327 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1057)

A BILL FOR

1 An Act relating to the disposition of a child with mental
2 illness or mental retardation in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1922SV (2) 84
rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 327 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.51, Code 2011, is amended to read as
1 2 follows:

1 3 232.51 Disposition of child with mental illness or mental
1 4 retardation.

1 5 1. If the evidence received at an adjudicatory or a
1 6 dispositional hearing indicates that the child is mentally
1 7 ill, the court may direct the juvenile court officer or the
1 8 department to initiate proceedings or to assist the child's
1 9 parent or guardian to initiate civil commitment proceedings in
1 10 the juvenile court. ~~These~~ and such proceedings in the juvenile
1 11 court shall adhere to the requirements of chapter 229.

1 12 2. If the evidence received at an adjudicatory or a
1 13 dispositional hearing indicates that the child is mentally
1 14 retarded, the court may direct the juvenile court officer or
1 15 the department to initiate proceedings or to assist the child's
1 16 parent or guardian to initiate civil commitment proceedings in
1 17 the juvenile court. ~~These~~ and such proceedings shall adhere to
1 18 the requirements of chapter 222. ~~If the child is committed as~~
~~1 19 a child with mental illness or mental retardation, any order~~
~~1 20 adjudicating the child to have committed a delinquent act shall~~
~~1 21 be set aside and the petition shall be dismissed.~~

1 22 3. a. If prior to the adjudicatory or dispositional hearing
1 23 on the pending delinquency petition, the child is committed
1 24 as a child with a mental illness or mental retardation and is
1 25 ordered into a residential facility, institution, or hospital
1 26 for inpatient treatment, the delinquency proceeding shall
1 27 be suspended until such time as the juvenile court either
1 28 terminates the civil commitment order or the child is released
1 29 from the residential facility, institution, or hospital for
1 30 purposes of receiving outpatient treatment.

1 31 b. During any time that the delinquency proceeding is
1 32 suspended pursuant to this subsection, any time limits for
1 33 speedy adjudicatory hearings and continuances shall be tolled.

1 34 c. This subsection shall not apply to waiver hearings held
1 35 pursuant to section 232.45.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 327 - Introduced continued

2 1 EXPLANATION
2 2 This bill eliminates the requirement that a juvenile court
2 3 order adjudicating a child to have committed a delinquent act
2 4 shall be set aside and the petition shall be dismissed if that
2 5 child is civilly committed for treatment as a child with mental
2 6 retardation or mental illness.
2 7 The bill also provides that if, prior to the adjudicatory or
2 8 dispositional hearing, the child is committed as a child with
2 9 a mental illness or mental retardation and is ordered into a
2 10 residential facility, institution, or hospital for inpatient
2 11 treatment, the delinquency proceeding shall be suspended until
2 12 the juvenile court either terminates the civil commitment order
2 13 or is released from the residential facility, institution, or
2 14 hospital. During such suspension period, any time limits are
2 15 tolled. This provision does not apply to waiver hearings under
2 16 Code section 232.45 (requesting jurisdictional waiver from
2 17 juvenile court to district court).
LSB 1922SV (2) 84
rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 328 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 202)

A BILL FOR

1 An Act relating to education and employment training by
2 establishing the pathways for academic career and employment
3 program and fund and the gap tuition assistance program and
4 fund and making an appropriation.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1947SV (3) 84

je/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 328 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 260H.1 Title.
1 2 This chapter shall be known and may be cited as the "Pathways
1 3 for Academic Career and Employment Act".
1 4 Sec. 2. NEW SECTION. 260H.2 Pathways for academic career
1 5 and employment program and fund.
1 6 1. A pathways for academic career and employment program
1 7 is established to provide grants to community colleges for the
1 8 development of projects in coordination with the department
1 9 of education, the department of economic development, Iowa
1 10 workforce development, regional advisory boards established
1 11 pursuant to section 84A.4, and community partners to implement
1 12 a simplified, streamlined, and comprehensive process,
1 13 along with customized support services, to enable eligible
1 14 participants to acquire effective academic and employment
1 15 training to secure gainful, quality, in-state employment.
1 16 2. There is established in the state treasury a pathways
1 17 for academic career and employment fund to be administered
1 18 by the department of education. There is appropriated from
1 19 the general fund of the state to the pathways for academic
1 20 career and employment fund for each fiscal year the sum of five
1 21 million dollars for the purpose of implementing the pathways
1 22 for academic career and employment program. The aggregate
1 23 total of moneys awarded from the fund shall not be more than
1 24 five million dollars during a fiscal year. Notwithstanding
1 25 section 8.33, moneys in the fund at the end of a fiscal
1 26 year shall not revert to the general fund of the state.
1 27 Notwithstanding section 12C.7, subsection 2, interest or
1 28 earnings on moneys in the fund shall be credited to the fund.
1 29 Sec. 3. NEW SECTION. 260H.3 Eligibility criteria.
1 30 1. Projects eligible for grants from the pathways for
1 31 academic career and employment fund shall be projects that
1 32 further the ability of members of target populations to secure
1 33 gainful, quality employment. For the purposes of this chapter,
1 34 "target population" includes:
1 35 a. Persons deemed low skilled for the purposes of attaining



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

2 1 gainful, quality, in=state employment.
2 2 b. Persons earning incomes at or below two hundred percent
2 3 of the federal poverty level as defined by the most recently
2 4 revised poverty income guidelines published by the United
2 5 States department of health and human services.
2 6 c. Unemployed persons.
2 7 d. Underemployed persons.
2 8 e. Dislocated workers, including workers eligible for
2 9 services and benefits under the federal Trade Adjustment Act of
2 10 2002, Pub. L. No. 107=210, as determined by the department of
2 11 workforce development and the federal internal revenue service.
2 12 2. Projects eligible for grants from the pathways for
2 13 academic career and employment fund shall be projects that
2 14 further partnerships that link the community colleges to
2 15 industry and nonprofit organizations and projects that further
2 16 program outcomes as provided in section 260H.4.
2 17 Sec. 4. NEW SECTION. 260H.4 Program outcomes.
2 18 Projects eligible for grants from the pathways for academic
2 19 career and employment fund shall be programs which further the
2 20 following program outcomes:
2 21 1. Enabling the target populations to:
2 22 a. Acquire and demonstrate competency in basic skills.
2 23 b. Acquire and demonstrate competency in a specified
2 24 technical field.
2 25 c. Complete a specified level of postsecondary education.
2 26 d. Earn a national career readiness certificate.
2 27 e. Obtain employer=validated credentials.
2 28 f. Secure gainful employment in high=quality, local jobs.
2 29 2. Satisfaction of economic and employment goals including
2 30 but not limited to:
2 31 a. Economic and workforce development requirements in each
2 32 region served by the community colleges as defined by regional
2 33 advisory boards established pursuant to section 84A.4.
2 34 b. Needs of industry partners in areas including but not
2 35 limited to:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

- 3 1 (1) Information technology.
3 2 (2) Health care.
3 3 (3) Advanced manufacturing.
3 4 (4) Transportation and logistics.
3 5 c. Any other industry designated as in=demand by a regional
3 6 advisory board established pursuant to section 84A.4.
3 7 Sec. 5. NEW SECTION. 260H.5 Program component requirements.
3 8 Program components of a pathways for academic career and
3 9 employment project implemented at a community college shall:
3 10 1. Include measurable and effective recruitment,
3 11 assessment, and referral activities designed for the target
3 12 populations.
3 13 2. Integrate basics skills and work=readiness training with
3 14 occupational skills training.
3 15 3. Combine customized supportive and case management
3 16 services with training services to help participants overcome
3 17 barriers to employment.
3 18 4. Provide training services at times, locations, and
3 19 through multiple, flexible modalities that are easily
3 20 understood and readily accessible to the target populations.
3 21 Such modalities shall support timeless entry, individualized
3 22 learning, and flexible scheduling, and may include online
3 23 remediation, learning lab and cohort learning communities,
3 24 tutoring, and modularization.
3 25 Sec. 6. NEW SECTION. 260H.6 Pipeline program.
3 26 Each community college receiving a grant from the pathways
3 27 for academic career and employment fund shall develop a
3 28 pipeline program in order to better serve the academic,
3 29 training, and employment needs of the target populations. A
3 30 pipeline program shall have the following goals:
3 31 1. To strengthen partnerships with community=based
3 32 organizations and industry representatives.
3 33 2. To improve and simplify the identification, recruitment,
3 34 and assessment of qualified participants.
3 35 3. To conduct and manage an outreach, recruitment, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

4 1 intake process, along with accompanying support services,
4 2 reflecting sensitivity to the time and financial constraints
4 3 and remediation needs of the target populations.
4 4 4. To conduct orientations for qualified participants
4 5 to describe regional labor market opportunities, employer
4 6 partners, and program requirements and expectations.
4 7 5. To describe the concepts of the project implemented with
4 8 funds from the pathways for academic career and employment fund
4 9 and the embedded educational and support resources available
4 10 through such project.
4 11 6. To outline the basic skills participants will learn and
4 12 describe the credentials participants will earn.
4 13 7. To describe success milestones and ways in which temporal
4 14 and instructional barriers have been minimized or eliminated.
4 15 8. To review how individualized and customized service
4 16 strategies for participants will be developed and provided.
4 17 Sec. 7. NEW SECTION. 260H.7 Career pathways and bridge
4 18 curriculum development program.
4 19 Each community college receiving a grant from the pathways
4 20 for academic career and employment fund shall develop a career
4 21 pathways and bridge curriculum development program in order
4 22 to better serve the academic, training, and employment needs
4 23 of the target populations. A career pathways and bridge
4 24 curriculum development program shall have the following goals:
4 25 1. The articulation of courses and modules, the mapping of
4 26 programs within career pathways, and establishment of bridges
4 27 between credit and noncredit programs.
4 28 2. The integration and contextualization of basic skills
4 29 education and skills training. This process shall provide for
4 30 seamless progressions between adult basic education and general
4 31 education development programs and continuing education and
4 32 credit certificate, diploma, and degree programs.
4 33 3. The development of career pathways that support the
4 34 attainment of industry-recognized credentials, diplomas, and
4 35 degrees through stackable, modularized program delivery.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 328 - Introduced continued

5 1 Sec. 8. NEW SECTION. 260H.8 Rules.

5 2 The department of education, in coordination with the
5 3 community colleges, the department of economic development,
5 4 and Iowa workforce development, shall adopt rules pursuant to
5 5 chapter 17A and this chapter to implement the provisions of
5 6 this chapter. Regional advisory boards established pursuant
5 7 to section 84A.4 shall be consulted in the development and
5 8 implementation of rules to be adopted pursuant to this chapter.

5 9 Sec. 9. NEW SECTION. 261G.1 Title.

5 10 This chapter shall be known and may be cited as the "Gap
5 11 Tuition Assistance Act".

5 12 Sec. 10. NEW SECTION. 261G.2 Gap tuition assistance program
5 13 and fund.

5 14 1. A gap tuition assistance program is established to
5 15 provide grants for need-based tuition assistance to applicants
5 16 to enable completion of continuing education certificate
5 17 training programs for in-demand occupations.

5 18 2. There is established for the community colleges a
5 19 gap tuition assistance fund in the state treasury to be
5 20 administered by the department of education. There is
5 21 appropriated from the general fund of the state to the gap
5 22 tuition assistance fund for each fiscal year the sum of five
5 23 million dollars for the purpose of implementing the gap tuition
5 24 assistance program. The aggregate total of grants awarded
5 25 shall not be more than five million dollars during a fiscal
5 26 year. Notwithstanding section 8.33, moneys in the fund at the
5 27 end of a fiscal year shall not revert to the general fund of the
5 28 state. Notwithstanding section 12C.7, subsection 2, interest
5 29 or earnings on moneys in the fund shall be credited to the
5 30 fund.

5 31 Sec. 11. NEW SECTION. 261G.3 Applicants for tuition
5 32 assistance ==== eligibility criteria.

5 33 1. The department of education shall adopt rules pursuant to
5 34 this chapter defining eligibility criteria for persons applying
5 35 to receive tuition assistance under this chapter.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

6 1 2. Eligibility for tuition assistance under this chapter
6 2 shall be based on financial need. Criteria to be assessed in
6 3 determining financial need shall include but is not limited to:
6 4 a. The applicant's family income for the twelve months prior
6 5 to the date of application.
6 6 b. The applicant's family size.
6 7 c. The applicant's county of residence.
6 8 3. a. The department of education shall only approve an
6 9 applicant for tuition assistance under this chapter if the
6 10 community college receiving the application determines the
6 11 applicant has a demonstrated capacity to achieve the following
6 12 outcomes:
6 13 (1) The ability to complete an eligible certificate
6 14 program.
6 15 (2) The ability to enter a postsecondary certificate,
6 16 diploma, or degree program for credit.
6 17 (3) The ability to gain full-time employment.
6 18 (4) The ability to maintain full-time employment over time.
6 19 b. The community college receiving the application shall
6 20 only approve an applicant for tuition assistance under this
6 21 chapter if the community college determines the applicant
6 22 has a strong likelihood of achieving the outcomes described
6 23 in paragraph "a" after considering factors including but not
6 24 limited to:
6 25 (1) Barriers that may prevent an applicant from completing
6 26 the certificate program.
6 27 (2) Barriers that may prevent an applicant from gaining
6 28 employment in an in-demand occupation.
6 29 4. Applicants may be found eligible for partial or total
6 30 tuition assistance.
6 31 5. Tuition assistance shall not be approved when the
6 32 community college receiving the application determines that
6 33 funding for an applicant's participation in an eligible
6 34 certificate program is available from any other public or
6 35 private funding source.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 328 - Introduced continued

7 1 Sec. 12. NEW SECTION. 261G.4 Applicants for tuition
7 2 assistance ==== additional provisions.
7 3 1. An applicant for tuition assistance under this
7 4 chapter shall provide to the community college receiving the
7 5 application documentation of all sources of income.
7 6 2. Only an applicant eligible to work in the United States
7 7 shall be approved for tuition assistance under this chapter.
7 8 3. An application shall be valid for six months from the
7 9 date of signature on the application.
7 10 4. A person shall not be approved for tuition assistance
7 11 under this chapter for more than one eligible certificate
7 12 program.
7 13 5. Eligibility for tuition assistance under this chapter
7 14 shall not be construed to guarantee enrollment in any community
7 15 college certificate program.
7 16 Sec. 13. NEW SECTION. 261G.5 Eligible costs.
7 17 Costs of a certificate program eligible for coverage by
7 18 tuition assistance shall include but are not limited to:
7 19 1. Tuition.
7 20 2. Direct training costs.
7 21 3. Required books and equipment.
7 22 4. Fees including but not limited to fees for industry
7 23 testing services and background check testing services.
7 24 Sec. 14. NEW SECTION. 261G.6 Eligible certificate programs.
7 25 For the purposes of this chapter, "eligible certificate
7 26 program" means a program meeting all of the following criteria:
7 27 1. The program is not offered for credit, but is aligned
7 28 with a certificate, diploma, or degree for credit, and does any
7 29 of the following:
7 30 a. Offers a state, national, or locally recognized
7 31 certificate.
7 32 b. Offers preparation for a professional examination or
7 33 licensure.
7 34 c. Provides endorsement for an existing credential or
7 35 license.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

8 1 d. Represents recognized skill standards defined by an
8 2 industrial sector.
8 3 e. Offers a similar credential or training.
8 4 2. The program offers training or a credential in an
8 5 in=demand occupation. For the purposes of this chapter,
8 6 "in=demand occupation" includes occupations in the following
8 7 industries:
8 8 a. Information technology.
8 9 b. Health care.
8 10 c. Advanced manufacturing.
8 11 d. Transportation and logistics.
8 12 e. Any other industry designated as in=demand by a regional
8 13 advisory board established pursuant to section 84A.4.
8 14 Sec. 15. NEW SECTION. 261G.7 Initial assessment.
8 15 An applicant for tuition assistance under this chapter shall
8 16 complete an initial assessment administered by the community
8 17 college receiving the application to determine the applicant's
8 18 readiness to complete an eligible certificate program. The
8 19 assessment shall include assessments for completion of a
8 20 national career readiness certificate, including the areas of
8 21 reading for information, applied mathematics, and locating
8 22 information. An applicant must achieve a bronze=level
8 23 certificate or the minimum score required for an eligible
8 24 certificate program, whichever is higher, in order to be
8 25 approved for tuition assistance. An applicant shall complete
8 26 any additional assessments and occupational research required
8 27 by an eligible certificate program.
8 28 Sec. 16. NEW SECTION. 261G.8 Program interview.
8 29 An applicant for tuition assistance under this chapter shall
8 30 meet with a member of the staff for an eligible certificate
8 31 program offered by the community college receiving the
8 32 application. The staff member shall discuss the relevant
8 33 industry, any applicable occupational research, and any
8 34 applicable training relating to the eligible certificate
8 35 program. The discussion shall include an evaluation of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

9 1 the applicant's capabilities, needs, family situation, work
9 2 history, educational background, attitude and motivation,
9 3 employment skills, vocational potential, and employment
9 4 barriers. The discussion shall also include potential start
9 5 dates, support needs, and other requirements for an eligible
9 6 certificate program.
9 7 Sec. 17. NEW SECTION. 261G.9 Participation requirements.
9 8 1. A participant in an eligible certificate program who
9 9 receives tuition assistance pursuant to this chapter shall do
9 10 all of the following:
9 11 a. Maintain regular contact with staff members for the
9 12 certificate program to document the applicant's progress in the
9 13 program.
9 14 b. Sign a release form to provide relevant information to
9 15 community college faculty or case managers.
9 16 c. Discuss with staff members for the certificate program
9 17 any issues that may impact the participant's ability to
9 18 complete the certificate program, obtain employment, and
9 19 maintain employment over time.
9 20 d. Attend all required courses regularly.
9 21 e. Meet with staff members for the certificate program to
9 22 develop a job search plan.
9 23 2. A community college may terminate tuition assistance
9 24 for a participant who fails to meet the requirements of this
9 25 section.
9 26 Sec. 18. NEW SECTION. 261G.10 Oversight.
9 27 1. The department of education, in coordination with the
9 28 community colleges, shall establish a steering committee. The
9 29 steering committee shall determine if the performance measures
9 30 of the gap tuition assistance program are being met and shall
9 31 take necessary steps to correct any deficiencies. The steering
9 32 committee shall meet at least quarterly to evaluate and monitor
9 33 the performance of the gap tuition assistance program.
9 34 2. The department of education, in coordination with the
9 35 community colleges, shall develop a common intake tracking



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

10 1 system that shall be implemented consistently by each
10 2 participating community college.
10 3 3. The department of education shall coordinate statewide
10 4 oversight, evaluation, and reporting efforts for the gap
10 5 tuition assistance program.

10 6 Sec. 19. NEW SECTION. 261G.11 Rules.

10 7 The department of education, in consultation with the
10 8 community colleges, shall adopt rules pursuant to chapter 17A
10 9 and this chapter to implement the provisions of this chapter.

10 10 EXPLANATION

10 11 This bill establishes the pathways for academic career and
10 12 employment program and fund to provide grants to community
10 13 colleges for the development of projects in coordination
10 14 with the department of education, the department of economic
10 15 development, Iowa workforce development, regional advisory
10 16 boards established pursuant to Code section 84A.4, and
10 17 community partners to implement a simplified, streamlined,
10 18 and comprehensive process to enable eligible participants to
10 19 acquire effective academic and employment training to secure
10 20 gainful, quality, in-state employment. The bill provides
10 21 for an appropriation of \$5 million to the fund each fiscal
10 22 year from the general fund of the state. The fund is to be
10 23 administered by the department of education. The fund may
10 24 pay out up to \$5 million per fiscal year in grants. The bill
10 25 provides that notwithstanding Code section 8.33, moneys in
10 26 the fund at the end of a fiscal year will not revert to the
10 27 general fund of the state, and notwithstanding Code section
10 28 12C.7, subsection 2, interest or earnings on moneys in the
10 29 fund will be credited to the fund. The bill sets out criteria
10 30 for community college projects eligible to receive grants.
10 31 Eligible projects must further the ability of certain target
10 32 populations of underserved persons to secure gainful, quality,
10 33 in-state employment.

10 34 The bill also requires eligible projects to further
10 35 partnerships that link the community colleges to industry and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

11 1 nonprofit organizations. The bill sets out certain program
11 2 outcomes relating to target populations and economic and
11 3 employment criteria which eligible projects must satisfy.
11 4 The bill sets out certain program components which an
11 5 eligible project must include. The bill provides for two
11 6 programs, a pipeline program and a career pathways and bridge
11 7 curriculum development program, which participating community
11 8 colleges must adopt, and sets out certain features of those
11 9 programs. The bill directs the department of education,
11 10 in coordination with community colleges, the department of
11 11 economic development, and Iowa workforce development, to adopt
11 12 rules pursuant to Code chapter 17A to implement the program.
11 13 The bill provides that the rulemaking should be done in
11 14 consultation with regional advisory boards established pursuant
11 15 to Code section 84A.4.
11 16 The bill also establishes the gap tuition assistance program
11 17 and fund to provide need-based tuition assistance to applicants
11 18 to enable completion of continuing education certificate
11 19 training programs for in-demand occupations. The bill
11 20 establishes the fund in the treasury for community colleges.
11 21 The bill provides for an appropriation of \$5 million to the
11 22 fund each fiscal year from the general fund of the state. The
11 23 fund is to be administered by the department of education and
11 24 may pay out up to \$5 million per fiscal year. The bill provides
11 25 that notwithstanding Code section 8.33, moneys in the fund at
11 26 the end of a fiscal year will not revert to the general fund of
11 27 the state, and notwithstanding Code section 12C.7, subsection
11 28 2, interest or earnings on moneys in the fund will be credited
11 29 to the fund.
11 30 The bill sets out criteria for eligible applicants based
11 31 on financial need. The bill provides that applicants must
11 32 demonstrate a capacity for and likelihood of achieving certain
11 33 outcomes. The bill prohibits the approval of a grant for an
11 34 applicant who has other sources of funding available. The bill
11 35 sets out what costs are eligible for coverage by a grant. The



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 328 - Introduced continued

12 1 bill defines what certificate programs are eligible for grant
12 2 funding. The bill requires such programs to be in certain
12 3 in-demand occupations. The bill requires an applicant to
12 4 undergo an initial assessment and an interview with a staff
12 5 member of the certificate program to be pursued before a grant
12 6 can be approved. The bill sets out various requirements for
12 7 approved participants in an eligible certificate program and
12 8 provides that failure to meet the requirements can result
12 9 in termination of the assistance. The bill provides for
12 10 oversight functions for the program, including the formation
12 11 of a steering committee. The bill directs the department of
12 12 education, in consultation with community colleges, to adopt
12 13 rules pursuant to Code chapter 17A to implement the program.

LSB 1947SV (3) 84

je/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 329 - Introduced

SENATE FILE
BY GRONSTAL

A BILL FOR

1 An Act regulating the advertising of veterans benefits appeal
2 services by requiring certain disclosures and including a
3 civil penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1039XS (5) 84
aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 329 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 546B.1 Veterans benefits appeal
1 2 services === regulation of advertising practices.
1 3 As used in this chapter:
1 4 1. a. "Advertising" or "advertisement" means any of the
1 5 following:
1 6 (1) Any written or printed communication made for the
1 7 purpose of soliciting, describing, or promoting veterans
1 8 benefits appeal services, including but not limited to a
1 9 brochure, letter, pamphlet, newspaper, telephone listing,
1 10 periodical, or other writing.
1 11 (2) Any directory listing caused or permitted by a person to
1 12 be made available which indicates that veterans benefits appeal
1 13 services are being offered.
1 14 (3) Any radio, television, computer network, or similar
1 15 airwave or electronic transmission which solicits or promotes a
1 16 person offering veterans benefits appeal services.
1 17 b. "Advertising" or "advertisement" does not include any of
1 18 the following:
1 19 (1) Any printing or writing used on buildings, uniforms, or
1 20 badges, where the purpose of the writing is for identification.
1 21 (2) Any printing or writing in a memorandum or other
1 22 communication used in the ordinary course of business where the
1 23 sole purpose of the writing is other than the solicitation or
1 24 promotion of veterans benefits appeal services.
1 25 2. "Veteran" means as defined in section 35.1.
1 26 3. "Veterans benefits appeal services" means services which
1 27 a veteran might reasonably require in order to appeal a denial
1 28 of federal or state veterans benefits, including but not
1 29 limited to denials of disability, limited=income, home loan,
1 30 insurance, education and training, burial and memorial, and
1 31 dependent and survivor benefits.
1 32 Sec. 2. NEW SECTION. 546B.2 Advertising disclosure
1 33 requirements.
1 34 1. A person advertising services to represent or assist
1 35 veterans in appealing a denial of veterans benefits shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 329 - Introduced continued

2 1 conspicuously disclose in the advertisement, in similar type
2 2 size or voice=over, that appeal services are also offered at
2 3 no cost by county commission of veteran affairs offices as
2 4 maintained pursuant to section 35B.6.
2 5 2. A person who fails to comply with the provisions of
2 6 this section is subject to a civil penalty not to exceed one
2 7 thousand dollars for each violation. Civil penalties shall
2 8 be assessed by the district court in an action initiated
2 9 by the attorney general. For the purposes of computing
2 10 the amount of each civil penalty, each day of a continuing
2 11 violation constitutes a separate violation. Additionally,
2 12 the attorney general may accept a civil penalty as determined
2 13 by the attorney general in settlement of an investigation of
2 14 a violation of this section regardless of whether an action
2 15 has been filed pursuant to this section. Any civil penalty
2 16 recovered shall be deposited in the veterans trust fund created
2 17 in section 35A.13.

2 18 EXPLANATION

2 19 This bill requires that a person advertising veterans
2 20 benefits appeal services disclose in the advertisement that the
2 21 same services are also available through county commission of
2 22 veteran affairs offices free of charge. The bill provides or
2 23 incorporates definitions for advertising, veteran, and veterans
2 24 benefits appeal services.
2 25 The bill provides a civil penalty of up to \$1,000 for each
2 26 violation. The bill states that the civil penalty will be
2 27 assessed by the district court in an action initiated by the
2 28 attorney general and that each day of a continuing violation
2 29 shall be counted as a separate violation. The attorney
2 30 general's office is given the discretion to accept a civil
2 31 penalty in settlement of an investigation. The bill also
2 32 requires that any civil penalty recovered must be deposited in
2 33 the veterans trust fund.

LSB 1039XS (5) 84

aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 330 - Introduced

SENATE FILE
BY BOWMAN

A BILL FOR

1 An Act establishing an annual appropriation to the property
2 tax equity and relief fund and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2502XS (4) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 330 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.16A, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 1A. There is appropriated annually from the
1 4 general fund of the state to the fund an amount that is equal to
1 5 twenty=five million dollars minus the amount credited to the
1 6 fund under section 423F.2, subsection 3, for the same fiscal
1 7 year if such amount credited to the fund under section 423F.2,
1 8 subsection 3, for the same fiscal year is less than twenty=five
1 9 million dollars.

1 10 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 11 Act, being deemed of immediate importance, takes effect upon
1 12 enactment and applies to fiscal years beginning on or after
1 13 July 1, 2011.

1 14 EXPLANATION

1 15 This bill establishes an annual appropriation from the
1 16 general fund of the state to the property tax equity and relief
1 17 fund under Code section 257.16A. The amount of the annual
1 18 appropriation is an amount equal to \$25 million minus the
1 19 amount credited to the property tax equity and relief fund
1 20 under Code section 423F.2(3) for the same fiscal year if such
1 21 amount credited is less than \$25 million.

1 22 The bill takes effect upon enactment and applies to fiscal
1 23 years beginning on or after July 1, 2011.

LSB 2502XS (4) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 331 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act relating to energy efficiency by providing income
2 tax credits, and including effective date and retroactive
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2626XS (9) 84
rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 331 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 422.11Y Green building tax credit.
1 2 The taxes imposed under this division, less the credits
1 3 allowed under sections 422.12 and 422.12B, shall be reduced by
1 4 a green building tax credit under section 473B.4.
1 5 Sec. 2. Section 422.33, Code 2011, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 29. The taxes imposed under this division
1 8 shall be reduced by a green building tax credit under section
1 9 473B.4.
1 10 Sec. 3. NEW SECTION. 473B.1 Definitions.
1 11 As used in this chapter, unless the context otherwise
1 12 requires:
1 13 1. a. "Allowable costs" means amounts properly chargeable
1 14 to a capital account, other than for land, that are paid or
1 15 incurred on or after January 1, 2011, for all of the following:
1 16 (1) Construction or rehabilitation.
1 17 (2) Commissioning costs allocable to construction or
1 18 rehabilitation.
1 19 (3) Interest paid or incurred during the construction or
1 20 rehabilitation period.
1 21 (4) Architectural, engineering, and other professional fees
1 22 allocable to construction or rehabilitation.
1 23 (5) Closing costs for construction, rehabilitation, or
1 24 mortgage loans.
1 25 (6) Recording taxes and filing fees incurred with respect to
1 26 construction or rehabilitation.
1 27 (7) Finishes and furnishings consistent with rules adopted
1 28 by the department under this chapter for lighting, plumbing,
1 29 electrical wiring, and ventilation for construction or
1 30 rehabilitation.
1 31 b. "Allowable costs" does not include any of the following:
1 32 (1) The cost of telephone systems and computers other than
1 33 electrical wiring costs.
1 34 (2) Legal fees allocable to construction or rehabilitation.
1 35 (3) Site costs, including temporary electric wiring,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 331 - Introduced continued

2 1 scaffolding, demolition costs, and fencing and security
2 2 facilities.
2 3 (4) Finishes or furnishings that are not consistent with
2 4 rules adopted by the department under this chapter.
2 5 2. "Commissioning" means the testing and fine=tuning of
2 6 heat, ventilating, and air=conditioning systems and other
2 7 systems to assure proper functioning and adherence to design
2 8 criteria.
2 9 3. "Credit allowance year" means the taxable year during
2 10 which the property, construction, completion, or rehabilitation
2 11 on which the credit allowed under this chapter is based is
2 12 originally placed in service.
2 13 4. "Department" means the department of economic
2 14 development.
2 15 5. "Eligible building" means a building located in this
2 16 state that is used exclusively for commercial or industrial
2 17 purposes, or is a residential multifamily building with at
2 18 least twelve dwelling units.
2 19 Sec. 4. NEW SECTION. 473B.2 Provisional green building
2 20 certificate.
2 21 1. A person may apply to the department for provisional
2 22 certification of eligibility for a green building tax credit by
2 23 submitting a completed application to the department containing
2 24 all of the following information:
2 25 a. Sufficient information to identify each building or space
2 26 as the department shall require.
2 27 b. Proof of the person's ownership or tenancy of the
2 28 building.
2 29 c. An itemization of estimated allowable costs with
2 30 supporting documentation.
2 31 d. Any other information the department may require.
2 32 2. If upon receipt of the completed application the
2 33 department finds that the applicant has shown that the
2 34 applicant is likely within a reasonable time to place in
2 35 service property which would warrant the allowance of a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 331 - Introduced continued

3 1 credit under section 473B.4, the department shall issue a
3 2 provisional green building certificate. The provisional green
3 3 building certificate shall describe the property for which the
3 4 certificate was issued and shall contain an expiration date.
3 5 The certificate shall apply only to property placed in service
3 6 by such expiration date which may be extended at the discretion
3 7 of the department, in order to avoid unwarranted hardship.
3 8 3. A person whose application for a provisional green
3 9 building certificate is denied may file an appeal with the
3 10 department within sixty days from the date of denial pursuant
3 11 to the provisions of chapter 17A.
3 12 Sec. 5. NEW SECTION. 473B.3 Eligibility certificate.
3 13 1. For each taxable year for which a person claims a green
3 14 building tax credit under this chapter, the person shall obtain
3 15 from an architect or professional engineer licensed to practice
3 16 in this state an eligibility certificate.
3 17 2. The eligibility certificate shall consist of a
3 18 certification, under the seal of such architect or engineer,
3 19 that the building meets the minimum standards of the United
3 20 States green building council's leadership in energy and
3 21 environmental design rating system, or the United States green
3 22 building council's leadership in energy and environmental
3 23 design silver rating standard. The eligibility certification
3 24 shall be made in accordance with the standards and guidelines
3 25 adopted by rule by the department and in effect at the time
3 26 the property which is the basis for the credit was placed
3 27 in service. The eligibility certificate shall set forth the
3 28 specific findings upon which the certification was based.
3 29 3. The eligibility certificate shall include sufficient
3 30 information to identify each building or space, and such other
3 31 information as the department shall require.
3 32 4. The taxpayer shall file a copy of each eligibility
3 33 certificate with the department.
3 34 Sec. 6. NEW SECTION. 473B.4 Tax credits.
3 35 A green building tax credit shall consist of one of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 331 - Introduced continued

4 1 following:

4 2 1. For new construction of any building that meets
4 3 the minimum standards of the United States green building
4 4 council's leadership in energy and environmental design rating
4 5 system, a tax credit equal to five percent of the cost of
4 6 the construction, subject to a maximum credit of one million
4 7 dollars.

4 8 2. For new construction of any building that achieves the
4 9 United States green building council's leadership in energy and
4 10 environmental design silver rating standard, a tax credit equal
4 11 to ten percent of the cost of the construction, subject to a
4 12 maximum credit of two million dollars.

4 13 3. For rehabilitation of a building constructed and
4 14 placed in service prior to January 1, 2011, that meets
4 15 the minimum standards of the United States green building
4 16 council's leadership in energy and environmental design rating
4 17 system, a tax credit equal to ten percent of the cost of the
4 18 rehabilitation, subject to a maximum credit of one million
4 19 dollars.

4 20 4. For rehabilitation of a building constructed and placed
4 21 in service prior to January 1, 2011, that achieves the United
4 22 States green building council's leadership in energy and
4 23 environmental design silver rating standard, a tax credit equal
4 24 to twenty percent of the cost of the rehabilitation, subject to
4 25 a maximum credit of two million dollars.

4 26 5. The department of economic development, in consultation
4 27 with the department of public safety, the department of natural
4 28 resources, and the department of revenue, may adopt rules
4 29 authorizing the tax credits issued pursuant to subsections 1
4 30 through 4 for construction and rehabilitation that achieves
4 31 superior energy efficiency and environmental performance
4 32 comparable to the United States green building council's
4 33 leadership in energy and environmental design certification.

4 34 6. Any credit issued pursuant to subsections 1 through 4
4 35 in excess of tax liability for the credit allowance year is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 331 - Introduced continued

5 1 refundable.
5 2 Sec. 7. NEW SECTION. 473B.5 Application for tax credit
5 3 certificate.
5 4 1. To receive a green building tax credit described in
5 5 section 473B.4, a taxpayer shall file an application with the
5 6 department for a tax credit certificate. The application shall
5 7 contain all of the following:
5 8 a. All applicable provisional green building certificates.
5 9 b. All applicable eligibility certificates.
5 10 c. A certificate of occupancy if required.
5 11 d. Documentation supporting actual allowable costs incurred.
5 12 e. Any other information required by the department.
5 13 2. If upon receipt of a completed application, the
5 14 department finds that the person is qualified for a green
5 15 building tax credit, the department shall calculate the amount
5 16 of the tax credit for which the person is eligible and shall
5 17 issue a green building tax credit certificate to the person or
5 18 notify the person in writing of its refusal to do so. The tax
5 19 credit certificate may be applied against tax owed pursuant
5 20 to chapter 422, division II and division III, for the year in
5 21 which the property which is the basis for the credit was placed
5 22 in service.
5 23 3. The green building tax credit certificate shall state all
5 24 of the following:
5 25 a. The year for which the credit may be claimed and a
5 26 description of the property for which eligibility was granted.
5 27 b. The certificate's expiration date and applicability
5 28 only to property placed in service by such expiration date.
5 29 Such expiration date may be extended at the discretion of the
5 30 department, in order to avoid unwarranted hardship.
5 31 c. The maximum amount of the tax credit allowable.
5 32 4. The amount of each green building tax credit shall not
5 33 exceed the limit set forth in the provisional green building
5 34 certificate obtained pursuant to section 473B.2.
5 35 5. A person whose application for a green building tax



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 331 - Introduced continued

6 1 credit certificate is denied may file an appeal with the
6 2 department within sixty days from the date of denial pursuant
6 3 to the provisions of chapter 17A.

6 4 6. If the department has reason to believe that an
6 5 architect or professional engineer in making any eligibility
6 6 certification under this chapter engaged in professional
6 7 misconduct, the department may revoke a provisional green
6 8 building certificate or green building tax credit certificate
6 9 issued pursuant to this chapter and report the misconduct to
6 10 the appropriate professional board or commission.

6 11 Sec. 8. NEW SECTION. 473B.6 Successor owner or tenant.

6 12 1. If a green building tax credit is allowed to a building
6 13 owner pursuant to this chapter with respect to property, and
6 14 such property or an interest therein is sold, the credit for
6 15 the period after the sale which would have been allowable under
6 16 this chapter to the prior owner had the property not been sold
6 17 shall be allowable to the new owner. A tax credit for the year
6 18 of sale shall be allocated between the parties on the basis
6 19 of the number of days during such year that the property or
6 20 interest was held by each.

6 21 2. If a tax credit is allowed to a tenant pursuant to
6 22 this chapter with respect to property, and if such tenancy is
6 23 terminated but such property remains in use in the building by
6 24 a successor tenant, the tax credit for the period after such
6 25 termination which would have been allowable under this chapter
6 26 to the prior tenant had the tenancy not been terminated shall
6 27 be allowable to the successor tenant. A tax credit for the
6 28 year of termination shall be allocated between the parties
6 29 on the basis of the number of days during such year that the
6 30 property was used by each.

6 31 3. Notwithstanding any other provision of law to the
6 32 contrary, in the case of allowance of a tax credit under
6 33 this section to a successor owner or tenant, as provided in
6 34 subsection 1 or 2, the department shall have the authority to
6 35 reveal to the successor owner or tenant any information, with



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 331 - Introduced continued

7 1 respect to the credit of the prior owner or tenant, which is
7 2 the basis for the denial in whole or in part of the credit
7 3 claimed by such successor owner or tenant.

7 4 Sec. 9. NEW SECTION. 473B.7 Reporting.

7 5 On or before January 1, annually, the department shall
7 6 submit a written report to the director of the office of energy
7 7 independence, the governor, and the general assembly regarding
7 8 all of the following:

7 9 1. The number and value of provisional green building
7 10 certificates and green building tax credit certificates issued
7 11 under this chapter.

7 12 2. The amount of the green building tax credits redeemed.

7 13 3. The geographical distribution of the provisional
7 14 green building certificates and green building tax credit
7 15 certificates issued and redeemed.

7 16 4. Any other such available information the department may
7 17 deem meaningful and appropriate.

7 18 Sec. 10. EFFECTIVE AND APPLICABILITY DATES. This Act, being
7 19 deemed of immediate importance, takes effect upon enactment and
7 20 is retroactively applicable to tax years beginning on or after
7 21 January 1, 2011.

7 22 EXPLANATION

7 23 This bill provides for a tax credit on personal and corporate
7 24 income tax for the construction or rehabilitation of certain
7 25 buildings certified under specified building standards that
7 26 promote energy efficiency. Tax credits are available in an
7 27 amount equal to a percentage of the costs for the construction
7 28 or rehabilitation of commercial, industrial, or specified
7 29 residential multifamily buildings. An immediate effective date
7 30 and retroactive applicability provision is included relating to
7 31 application of the tax credits.

7 32 The bill provides that new construction of any building that
7 33 meets the minimum standards of the United States green building
7 34 council's leadership in energy and environmental design rating
7 35 system shall be eligible for a tax credit equal to five percent



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 331 - Introduced continued

8 1 of the cost of the construction, subject to a maximum credit
8 2 of \$1 million. For rehabilitation of a building constructed
8 3 and placed in service prior to January 1, 2011, that meets
8 4 the minimum standards of the United States green building
8 5 council's leadership in energy and environmental design rating
8 6 system, the bill authorizes a tax credit equal to 10 percent,
8 7 subject to a maximum credit of \$1 million. In the event a
8 8 newly constructed or rehabilitated building achieves the United
8 9 States green building council's leadership in energy and
8 10 environmental design silver rating standard, the bill doubles
8 11 these tax credit amounts and maximums. The bill permits the
8 12 department of economic development, in consultation with the
8 13 departments of public safety, natural resources, and revenue,
8 14 to adopt rules authorizing tax credits for construction and
8 15 rehabilitation that achieves superior energy efficiency and
8 16 environmental performance comparable to the United States green
8 17 building council's leadership in energy and environmental
8 18 design certification. The bill states that any credit issued
8 19 in excess of tax liability for the credit allowance year is
8 20 refundable.

8 21 The bill specifies procedures regarding obtaining a
8 22 provisional green building certificate and an eligibility
8 23 certificate, tax credit application procedures, and provisions
8 24 regarding allowance of a tax credit with regard to successor
8 25 owners or tenants. The bill directs the department of economic
8 26 development to submit a report by January 1 annually regarding
8 27 the number and value of tax credit certificates issued, the
8 28 amount redeemed, and their geographical distribution.

8 29 The bill takes effect upon enactment and applies
8 30 retroactively to January 1, 2011.

LSB 2626XS (9) 84

rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 332 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act relating to the distribution formula used for the
2 juvenile detention home fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2628XS (3) 84
jp/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 332 - Introduced continued

PAG LIN

1 1 Section 1. Section 232.142, subsection 6, Code 2011, is
1 2 amended to read as follows:
1 3 6. A juvenile detention home fund is created in the state
1 4 treasury under the authority of the department. The fund shall
1 5 consist of moneys deposited in the fund pursuant to sections
1 6 321.218A and 321A.32A. The moneys in the fund shall be used
1 7 for the costs of the establishment, improvement, operation, and
1 8 maintenance of county or multicounty juvenile detention homes
1 9 in accordance with annual appropriations made by the general
1 10 assembly from the fund for these purposes. The distribution
1 11 formula for the moneys in the fund shall be based upon a
1 12 juvenile detention home's proportionate share of the statewide
1 13 bed days utilized during the formula period by all juvenile
1 14 detention homes eligible to receive moneys from the fund.

1 15 EXPLANATION

1 16 This bill relates to the distribution formula used for the
1 17 juvenile detention home fund created in Code section 232.142.
1 18 County and multicounty juvenile detention homes are subject to
1 19 approval by the department of human services in accordance with
1 20 rules and standards adopted by the department. Inspections are
1 21 performed by the department of inspections and appeals.

1 22 The fund receives civil penalties collected under Code
1 23 sections 321.218A and 321A.32A, when the department of
1 24 transportation suspends, revokes, or bars a person's driver's
1 25 license or nonresident operating privilege for a conviction
1 26 under Code chapter 321, relating to motor vehicle law, or
1 27 Code chapter 321A, relating to motor vehicle financial
1 28 responsibility.

1 29 Current law provides for distribution of the moneys in the
1 30 fund in accordance with appropriations. The bill requires the
1 31 distribution formula for the moneys in the fund to be based
1 32 upon a juvenile detention home's proportionate share of the
1 33 statewide bed days utilized during the formula period by all
1 34 juvenile detention homes eligible to receive moneys from the
1 35 fund. For fiscal year 2010=2011, under 2010 Iowa Acts, chapter



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 332 - Introduced continued

2 1 1192, section 21, moneys in the fund are allocated among
2 2 eligible detention homes, prorated on the basis of an eligible
2 3 detention home's proportion of the costs of all eligible
2 4 detention homes in the previous fiscal year, as determined by
2 5 the department of human services based on the amount available
2 6 to distribute.

LSB 2628XS (3) 84

jp/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 333 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act relating to the provision of absentee ballots to
2 residents or patients of certain health care facilities and
3 hospitals.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1930SS (4) 84
sc/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 333 - Introduced continued

PAG LIN

1 1 Section 1. Section 39A.4, subsection 1, paragraph c,
1 2 subparagraphs (11) and (12), Code 2011, are amended to read as
1 3 follows:
1 4 (11) Returning a voted absentee ballot, by mail or in
1 5 person, to the commissioner's office and the person returning
1 6 the ballot is not the voter, the voter's designee, or a special
1 7 precinct election official designated pursuant to section
1 8 53.22, subsection ~~4~~ 1A.
1 9 (12) Making a false or untrue statement reporting that
1 10 a voted absentee ballot was returned to the commissioner's
1 11 office, by mail or in person, by a person other than the voter,
1 12 the voter's designee, or a special precinct election official
1 13 designated pursuant to section 53.22, subsection ~~4~~ 1A.
1 14 Sec. 2. Section 53.8, subsection 3, paragraphs a and b, Code
1 15 2011, are amended to read as follows:
1 16 a. When an application for an absentee ballot is received
1 17 by the commissioner of any county from a registered voter who
1 18 is a patient in a hospital in that county or a resident of any
1 19 facility in that county shown to be a health care facility by
1 20 the list of licenses provided the commissioner under section
1 21 135C.29, the absentee ballot shall be mailed or personally
1 22 delivered to the voter ~~and returned to the commissioner~~ in the
1 23 manner prescribed by section 53.22.
1 24 b. (1) If the application indicates that the ballot is to
1 25 be personally delivered to the applicant and the application
1 26 is received more than five days before the ballots are printed
1 27 and the commissioner has elected to have the ballots personally
1 28 delivered during the ten-day period after the ballots are
1 29 printed, the commissioner shall mail to the applicant within
1 30 twenty-four hours a letter in substantially the following form:
1 31 Your application for an absentee ballot for the election
1 32 to be held on has been received. This ballot will
1 33 be personally delivered to you by a bipartisan team sometime
1 34 during the ten days after the ballots are printed. If you will
1 35 not be at the address from which your application was sent



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 333 - Introduced continued

2 1 during any or all of the ten=day period immediately following
2 2 the printing of the ballots, the ballot will be personally
2 3 delivered to you sometime during the fourteen days preceding
2 4 the election. If you will not be at the address from which
2 5 your application was sent during either of these time periods,
2 6 contact this office and arrangements will be made to have your
2 7 absentee ballot delivered at a time when you will be present at
2 8 that address.

2 9 (2) If the application indicates that the ballot is to be
2 10 personally delivered to the applicant and the application is
2 11 received more than fourteen calendar days before the election
2 12 and the commissioner has not elected to mail absentee ballots
2 13 to applicants as provided under section 53.22, subsection 3,
2 14 and has not elected to have the absentee ballots personally
2 15 delivered during the ten=day period after the ballots are
2 16 printed, the commissioner shall mail to the applicant within
2 17 twenty=four hours a letter in substantially the following form:
2 18 Your application for an absentee ballot for the election
2 19 to be held on has been received. This ballot will
2 20 be personally delivered to you by a bipartisan team sometime
2 21 during the fourteen days preceding the election. If you will
2 22 not be at the address from which your application was sent
2 23 during any or all of the fourteen=day period immediately
2 24 preceding the election, contact this office and arrangements
2 25 will be made to have your absentee ballot delivered at a time
2 26 when you will be present at that address.

2 27 Sec. 3. Section 53.17, subsection 1, paragraph a, Code 2011,
2 28 is amended to read as follows:

2 29 a. The sealed return envelope may be delivered by the
2 30 registered voter, by the voter's designee, or by the special
2 31 precinct election officials designated pursuant to section
2 32 53.22, subsection ~~4~~ 1A, to the commissioner's office no later
2 33 than the time the polls are closed on election day. However,
2 34 if delivered by the voter's designee, the envelope shall be
2 35 delivered within seventy=two hours of retrieving it from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 333 - Introduced continued

3 1 voter or before the closing of the polls on election day,
3 2 whichever is earlier.
3 3 Sec. 4. Section 53.22, subsection 1, paragraph a, Code 2011,
3 4 is amended to read as follows:

3 5 ~~a.(1)~~ A registered voter who has applied for an absentee
3 6 ballot, in a manner other than that prescribed by section
3 7 53.10 or 53.11, and who is a resident or patient in a health
3 8 care facility or hospital located in the county to which
3 9 the application has been submitted shall be delivered the
3 10 appropriate absentee ballot in the manner provided in this
3 11 section. The application for an absentee ballot shall include
3 12 space for an applicant under this section to indicate whether
3 13 the applicant wants the ballot mailed or personally delivered
3 14 to the applicant.

3 15 1A. a. (1) If the applicant indicated on the application
3 16 that the ballot be personally delivered, or if the applicant
3 17 did not indicate a preference on the application, the ballot
3 18 shall be delivered by two special precinct election officers,
3 19 one of whom shall be a member of each of the political parties
3 20 referred to in section 49.13, who shall be appointed by the
3 21 commissioner from the election board panel for the special
3 22 precinct established by section 53.20. The special precinct
3 23 election officers shall be sworn in the manner provided
3 24 by section 49.75 for election board members, shall receive
3 25 compensation as provided in section 49.20, and shall perform
3 26 their duties during the ten calendar days after the ballots
3 27 are printed if the commissioner so elects, during the fourteen
3 28 calendar days preceding the election, and on election day if
3 29 all ballots requested under section 53.8, subsection 3, have
3 30 not previously been delivered and returned.

3 31 (2) If materials are prepared for the two special precinct
3 32 election officials, a list shall be made of all voters to whom
3 33 ballots are to be delivered. The list shall be sent with the
3 34 officials who deliver the ballots and shall include spaces to
3 35 indicate whether the person was present at the hospital or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 333 - Introduced continued

4 1 health care facility when the officials arrived, whether the
4 2 person requested assistance from the officials, whether the
4 3 person was assisted by another person of the voter's choice,
4 4 the time that the ballot was returned to the officials, and any
4 5 other notes the officials deem necessary.

4 6 (3) The officials shall also be issued a supply of extra
4 7 ballots to replace spoiled ballots. Receipts shall be
4 8 issued in substantially the same form as receipts issued to
4 9 precinct election officials pursuant to section 49.65. All
4 10 ballots shall be accounted for and shall be returned to the
4 11 commissioner. Separate envelopes shall be provided for the
4 12 return of spoiled ballots and unused ballots.

4 13 Sec. 5. Section 53.22, Code 2011, is amended by adding the
4 14 following new subsection:

4 15 NEW SUBSECTION. 1B. If the applicant indicated on the
4 16 application that the ballot be mailed to the applicant, the
4 17 commissioner shall mail the ballot to the applicant in the time
4 18 prescribed by section 53.8, subsection 1.

4 19 Sec. 6. Section 53.22, subsection 3, Code 2011, is amended
4 20 to read as follows:

4 21 3. For any election except a primary or general election or
4 22 a special election to fill a vacancy under section 69.14, the
4 23 commissioner may, as an alternative to ~~subsection 1~~ subsections
4 24 1A and 1B, mail an absentee ballot to an applicant under
4 25 this section to be voted and returned to the commissioner in
4 26 accordance with this chapter. This subsection only applies to
4 27 applications for absentee ballots from a single health care
4 28 facility or hospital if there are no more than two applications
4 29 from that facility or hospital.

4 30 EXPLANATION

4 31 This bill provides that an applicant for an absentee ballot
4 32 who is a resident or patient of a health care facility or
4 33 hospital may indicate on the application whether the applicant
4 34 wants the absentee ballot personally delivered or mailed to the
4 35 applicant.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 333 - Introduced continued

5 1 Under current law, a resident or patient of a health care
5 2 facility or hospital who makes application for an absentee
5 3 ballot is, in most circumstances, delivered the ballot by two
5 4 special precinct election officials appointed by the county
5 5 commissioner of elections.

LSB 1930SS (4) 84

sc/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 334 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act relating to potential energy and capacity savings
2 assessments conducted by specified gas and electric public
3 utilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2619XS (3) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 334 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.6, subsection 16, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. (1) A gas and electric utility required to be
1 4 rate-regulated under this chapter shall assess potential energy
1 5 and capacity savings available from actual and projected
1 6 customer usage by applying commercially available technology
1 7 and improved operating practices to energy-using equipment
1 8 and buildings. ~~The utility shall submit the assessment to~~
~~1 9 the board.~~ The utility shall also assess for the succeeding
1 10 twenty-year period the following:
1 11 (a) Projected energy demand.
1 12 (b) Energy efficiency and conservation trends, practices,
1 13 and requirements.
1 14 (c) Industrial cogeneration of electricity.
1 15 (d) Renewable energy trends, practices, and requirements.
1 16 (e) Transmission improvements.
1 17 (f) Options for meeting the projected demand through means
1 18 other than energy efficiency.
1 19 (g) Projected environmental impacts including greenhouse
1 20 gas emissions.
1 21 (h) Projected grid reliability.
1 22 (i) Projected energy costs.
1 23 (j) Projected energy supply payments to citizens of this
1 24 state.
1 25 (k) Projected energy-related employment outlook and impact.
1 26 (2) The utility shall submit the assessments specified in
1 27 subparagraph (1) to the board. Upon receipt of the ~~assessment~~
~~1 28 assessments~~, the board shall consult with the office of
1 29 energy independence to develop specific capacity and energy
1 30 savings performance standards for each utility. The utility
1 31 shall submit an energy efficiency plan which shall include
1 32 economically achievable programs designed to attain these
1 33 energy and capacity performance standards. The board shall
1 34 periodically report the energy efficiency results including
1 35 energy savings of each utility to the general assembly.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 334 - Introduced continued

2 1 EXPLANATION
2 2 This bill expands energy-related assessments which gas and
2 3 electric utilities subject to rate-regulation by the Iowa
2 4 utilities board are required to conduct and submit to the
2 5 board.
2 6 Currently, gas and electric utilities required to be
2 7 rate-regulated are required to assess potential energy and
2 8 capacity savings available from actual and projected customer
2 9 usage by applying commercially available technology and
2 10 improved operating practices to energy-using equipment and
2 11 buildings. The bill adds additional factors or issues to
2 12 be assessed over a 20-year period. They include assessing
2 13 projected energy demand; energy efficiency and conservation
2 14 trends, practices, and requirements; industrial cogeneration
2 15 of electricity; renewable energy trends, practices, and
2 16 requirements; transmission improvements; options for
2 17 meeting the projected demand through means other than
2 18 energy efficiency; projected environmental impacts including
2 19 greenhouse gas emissions; projected grid reliability; projected
2 20 energy costs; projected energy supply payments to citizens of
2 21 this state; and the projected energy-related employment outlook
2 22 and impact.
LSB 2619XS (3) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 335 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act relating to the consumer credit code and actions by a
2 creditor against a consumer arising from a consumer credit
3 transaction.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1595SS (3) 84
rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 335 - Introduced continued

PAG LIN

1 1 Section 1. Section 537.5114, Code 2011, is amended to read
1 2 as follows:
1 3 537.5114 Complaint ==== proof ==== default judgment.
1 4 1. In an action brought by a creditor against a consumer
1 5 arising from a consumer credit transaction, the complaint shall
1 6 allege the facts of the consumer's default, the amount to which
1 7 the creditor is entitled, and an indication of how that amount
1 8 was determined.
1 9 2. ~~No~~ Except as provided in subsection 3, a default judgment
1 10 shall not be entered in the action in favor of the creditor
1 11 unless the complaint is verified by the creditor, or unless
1 12 sworn testimony, by affidavit or otherwise, is adduced showing
1 13 that the creditor is entitled to the relief demanded.
1 14 3. a. In an action based on an express or implied promise
1 15 to pay a definite sum and claiming only liquidated damages
1 16 which may include interest and reasonable attorney fees, if
1 17 the consumer has not filed an answer by the answer date, the
1 18 court shall render judgment in favor of the creditor without
1 19 requiring the presence of the creditor or the creditor's
1 20 representative before the court, provided the creditor has
1 21 complied with the provisions of this section.
1 22 b. In order for the court to render any judgment pursuant to
1 23 this section at the time set for entering a judgment whether
1 24 by default, stipulation, or other method, an affidavit of
1 25 debt signed by the creditor or the creditor's representative
1 26 who is not the creditor's attorney, as well as any supporting
1 27 documentation, must have been filed by the creditor.
1 28 (1) If the instrument on which the contract is based is
1 29 a negotiable instrument or assigned contract, the affidavit
1 30 shall state that the instrument or contract is now owned by
1 31 the creditor and a copy of the executed instrument shall be
1 32 attached to the affidavit. If the creditor is not the original
1 33 party with whom the instrument or contract was made, the
1 34 creditor shall do one of the following:
1 35 (a) Attach all bills of sale back to the original creditor



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 335 - Introduced continued

2 1 and swear to its purchase of the debt from the last owner in its
2 2 affidavit of debt while also referencing the attached chain of
2 3 title in the affidavit of debt.

2 4 (b) In the affidavit of debt, recite the names of all prior
2 5 owners of the debt with the date of each prior sale, and also
2 6 include the most recent bill of sale from the creditor's seller
2 7 and swear to its purchase of the debt from its seller in the
2 8 affidavit of debt.

2 9 (2) The affidavit shall state the basis upon which the
2 10 creditor claims the statute of limitations has not expired.

2 11 (3) If the creditor has claimed any lawful fees or charges
2 12 based on a provision of the contract, including reasonable
2 13 attorney fees, the creditor shall attach to the affidavit of
2 14 debt a copy of a portion of the contract containing the terms
2 15 of the contract providing for such fees or charges and the
2 16 amount claimed.

2 17 (4) If a claim for attorney fees is made, the creditor shall
2 18 include in the affidavit the reasons for the specific amount
2 19 requested. Any claim for reasonable attorney fees shall be
2 20 referred to the court for approval prior to its inclusion in
2 21 any default judgment.

2 22 (5) If the basis for the claim is a credit card account,
2 23 the creditor shall include the final statement which supports
2 24 the balance demanded and if the statement does not support
2 25 the balance demanded, the creditor shall provide a statement
2 26 explaining in sufficient detail why the statement is not
2 27 available or why the balance differs.

2 28 c. This subsection is intended to supersede all previous
2 29 case law on the requirements for a default judgment to
2 30 the extent of any conflict between the provisions of this
2 31 subsection and the provisions of any other law.

2 32 EXPLANATION

2 33 This bill relates to the consumer credit code and actions by
2 34 a creditor against a consumer arising from a consumer credit
2 35 transaction.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 335 - Introduced continued

3 1 The bill provides that in an action based on an express
3 2 or implied promise to pay a definite sum and claiming only
3 3 liquidated damages which may include interest and reasonable
3 4 attorney fees, if a consumer has not filed an answer by the
3 5 answer date, the court shall render judgment in favor of the
3 6 creditor without requiring the presence of the creditor or
3 7 the creditor's representative before the court, provided the
3 8 creditor has complied with the provisions of the bill which
3 9 require the creditor to provide a signed affidavit of debt as
3 10 well as any supporting documentation.

3 11 The bill provides that if the instrument on which the
3 12 contract is based is a negotiable instrument or assigned
3 13 contract, the affidavit shall state that the instrument
3 14 or contract is now owned by the creditor and a copy of the
3 15 executed instrument shall be attached to the affidavit. If the
3 16 creditor is not the original party with whom the instrument or
3 17 contract was made, the creditor shall either attach all bills
3 18 of sale back to the original creditor and swear to its purchase
3 19 of the debt from the last owner in its affidavit of debt while
3 20 also referencing the attached chain of title in the affidavit
3 21 of debt or, in the affidavit of debt, recite the names of all
3 22 prior owners of the debt with the date of each prior sale, and
3 23 also include the most recent bill of sale from the creditor's
3 24 seller and swear to its purchase of the debt from its seller in
3 25 the affidavit of debt.

3 26 The affidavit shall also state the basis upon which the
3 27 creditor claims the statute of limitations has not expired,
3 28 and include a copy of a portion of the contract containing the
3 29 terms of the contract providing for attorney fees or charges
3 30 and the amount claimed as well as the reasons for the specific
3 31 amount requested, if applicable.

3 32 The bill provides if the basis for the claim is a credit card
3 33 account, the creditor shall also include the final statement
3 34 which supports the balance demanded and if the statement does
3 35 not support the balance demanded, the creditor shall provide a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 335 - Introduced continued

4 1 statement explaining in sufficient detail why the statement is
4 2 not available or why the balance differs.
4 3 The bill provides that the bill is intended to supersede all
4 4 previous case law on the requirements for a default judgment to
4 5 the extent of any conflict between the provisions of the bill
4 6 and the provisions of any other law.

LSB 1595SS (3) 84

rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 336 - Introduced

SENATE FILE
BY QUIRMBACH

A BILL FOR

1 An Act relating to the meetings and actions of the governing
2 boards of certain nonprofit corporations and horizontal
3 property regimes and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1452XS (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 336 - Introduced continued

PAG LIN

1 1 Section 1. Section 499B.15, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. a. If the form of administration is a board of
1 4 administration, board meetings must be open to all apartment
1 5 owners except for meetings between the board and its attorney
1 6 with respect to proposed or pending litigation where the
1 7 contents of the discussion would otherwise be governed by
1 8 the attorney=client privilege. Notice of each board meeting
1 9 must be mailed or delivered to each apartment owner and
1 10 to each member of the board at least seven days before the
1 11 meeting. Each notice shall contain the date, time, place,
1 12 and purpose of the meeting. Minutes of meetings of the board
1 13 of administration must be maintained in written form or in
1 14 another form that can be converted into written form within
1 15 a reasonable time. The official records of the board of
1 16 administration must be open to inspection and available for
1 17 photocopying at reasonable times and places. Any action taken
1 18 by a board of administration at a meeting that is in violation
1 19 of any of the provisions of this subsection is not valid or
1 20 enforceable.
1 21 b. An apartment owner may seek judicial enforcement of
1 22 the requirements of this subsection within six months of the
1 23 alleged violation. Suits to enforce this subsection shall
1 24 be brought in the district court for the county in which the
1 25 declaration under section 499B.3 was filed. In any judicial
1 26 action, the board shall have the burden of proving that the
1 27 requirements of this subsection have been met. If a board
1 28 fails to prove by a preponderance of the evidence that the
1 29 board complied with the requirements of this subsection, the
1 30 court shall:
1 31 (1) Award costs and reasonable attorney fees to the
1 32 prevailing party.
1 33 (2) Issue an order declaring any action taken by the
1 34 board at a meeting that violated this subsection invalid and
1 35 unenforceable.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 336 - Introduced continued

2 1 (3) If the court determines that a violation of this
2 2 subsection is likely or about to occur, enjoin the board from
2 3 committing the violation.
2 4 Sec. 2. Section 504.823, Code 2011, is amended to read as
2 5 follows:
2 6 504.823 Call and notice of meetings.
2 7 1. Unless the articles or bylaws of a corporation, or
2 8 subsection 3 or 5, ~~provide~~ provides otherwise, regular meetings
2 9 of the board may be held without notice.
2 10 2. Unless the articles, bylaws, or subsection 3 or 5 ~~provide~~
~~2 11 provides~~ otherwise, special meetings of the board must be
2 12 preceded by at least two days' notice to each director of the
2 13 date, time, and place, but not the purpose, of the meeting.
2 14 3. In corporations without members, any board action to
2 15 remove a director or to approve a matter which would require
2 16 approval by the members if the corporation had members shall
2 17 not be valid unless each director is given at least seven
2 18 days' written notice that the matter will be voted upon at
2 19 a directors' meeting or unless notice is waived pursuant to
2 20 section 504.824.
2 21 4. Unless the articles or bylaws provide otherwise, the
2 22 presiding officer of the board, the president, or twenty
2 23 percent of the directors then in office may call and give
2 24 notice of a meeting of the board.
2 25 5. a. Notwithstanding any provision of this chapter to
2 26 the contrary, homeowners' association board meetings shall be
2 27 open to all members except for meetings between the board and
2 28 its attorney with respect to proposed or pending litigation
2 29 where the contents of the discussion would otherwise be
2 30 governed by the attorney-client privilege. Notice of each
2 31 board meeting shall be mailed or delivered to each member and
2 32 to each director at least seven days before the meeting. Each
2 33 notice shall contain the date, time, place, and purpose of the
2 34 meeting. Any action taken by a board at a meeting that is in
2 35 violation of any of the provisions of this subsection is not



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 336 - Introduced continued

3 1 valid or enforceable.

3 2 b. A member may seek judicial enforcement of the
3 3 requirements of this subsection within six months of the
3 4 alleged violation. Suits to enforce this subsection shall
3 5 be brought in the district court for the county in which a
3 6 majority of the area of real estate governed by the homeowners'
3 7 association is located. In any judicial action, the
3 8 homeowners' association board shall have the burden of proving
3 9 that the requirements of this subsection have been met. If a
3 10 homeowners' association fails to prove by a preponderance of
3 11 the evidence that the homeowners' association complied with the
3 12 requirements of this subsection, the court shall:

3 13 (1) Award costs and reasonable attorney fees to the
3 14 prevailing party.

3 15 (2) Issue an order declaring any action taken by the
3 16 homeowners' association board at a meeting that violated this
3 17 subsection invalid and unenforceable.

3 18 (3) If the court determines that a violation of this
3 19 subsection is likely or about to occur, enjoin the homeowners'
3 20 association from committing the violation.

3 21 c. For purposes of this subsection, "homeowners'
3 22 association" means a corporation responsible for the
3 23 administration and operation of an area of real property
3 24 comprised of land and buildings used primarily for human
3 25 habitation, whose membership consists of parcel owners or their
3 26 agents, and, as a condition of parcel ownership, membership in
3 27 the corporation is mandatory.

3 28 Sec. 3. APPLICABILITY. This Act applies to homeowners'
3 29 association board meetings and horizontal property regime board
3 30 of administration meetings occurring on or after July 8, 2011.

3 31 EXPLANATION

3 32 This bill applies to horizontal property regimes
3 33 (condominiums) under Code chapter 499B and to homeowners'
3 34 associations organized under the revised Iowa nonprofit
3 35 corporation Act, Code chapter 504.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 336 - Introduced continued

4 1 The bill amends Code section 504.823 to require homeowners'
4 2 association board meetings to be open to all members except
4 3 for meetings between the board and its attorney with respect
4 4 to proposed or pending litigation where the contents of the
4 5 discussion would otherwise be governed by the attorney=client
4 6 privilege. The bill also requires notice of each board meeting
4 7 to be mailed or delivered to each member and to each director
4 8 at least seven days before the meeting. Each notice must
4 9 contain the date, time, place, and purpose of the meeting.
4 10 Any action taken by a board at a meeting that is in violation
4 11 of the bill is not valid or enforceable. The bill defines
4 12 "homeowners' association" as a corporation responsible for
4 13 the administration and operation of an area of real property
4 14 comprised of land and buildings used primarily for human
4 15 habitation, whose membership consists of parcel owners or their
4 16 agents, and as a condition of parcel ownership, membership in
4 17 the corporation is mandatory.
4 18 The bill allows an aggrieved member of the homeowners'
4 19 association to seek judicial enforcement of the requirements
4 20 of the bill within six months of the alleged violation. In
4 21 any judicial action, the homeowners' association board has
4 22 the burden of proving that the requirements of the bill have
4 23 been met. If a homeowners' association fails to prove by a
4 24 preponderance of the evidence that the homeowners' association
4 25 complied with the requirements of this subsection, the
4 26 court shall award costs and reasonable attorney fees to the
4 27 prevailing party, issue an order declaring any action taken by
4 28 the homeowners' association board at a meeting that violated
4 29 this subsection invalid and unenforceable, and if the court
4 30 determines that a violation of this subsection is likely
4 31 or about to occur, enjoin the homeowners' association from
4 32 committing the violation.
4 33 The bill also includes similar provisions for the
4 34 contents of meeting notices, judicial enforcement of meeting
4 35 requirements, and burden of proof requirements for horizontal



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 336 - Introduced continued

5 1 property regimes under Code chapter 499B.
5 2 The bill applies to homeowners' association board meetings
5 3 and horizontal property regime board of administration meetings
5 4 occurring on or after July 8, 2011.
LSB 1452XS (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 337 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act authorizing the establishment of a philanthropy account
2 within a student activity fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2595XS (2) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 337 - Introduced continued

PAG LIN

1 1 Section 1. Section 298A.8, Code 2011, is amended to read as
1 2 follows:

1 3 298A.8 Student activity fund.

1 4 1. The student activity fund is a special revenue fund.

1 5 A student activity fund must be established in any school
1 6 corporation receiving money from student-related activities
1 7 such as admissions, activity fees, student dues, student
1 8 fund-raising events, or other student-related cocurricular or
1 9 extracurricular activities. Moneys in this fund, other than
1 10 funds in a philanthropy account established under subsection 2,

1 11 shall be used to support only the cocurricular program defined
1 12 in department of education administrative rules.

1 13 2. A philanthropy account may be established within a

1 14 student activity fund. A philanthropy account shall only

1 15 consist of voluntary donations raised by the students or

1 16 school district employees for a specified purpose. Moneys in

1 17 the account shall be used to support philanthropic purposes.

1 18 For purposes of this section, "philanthropic purpose" means

1 19 an educational, charitable, humane, scientific, patriotic,

1 20 social welfare or advocacy, public health, environmental,

1 21 conservation, civic, or other similar objective defined in

1 22 department of education rules. The philanthropic purposes for

1 23 which moneys in the account may be used shall not be limited to

1 24 purposes relating to the school or to students enrolled in the

1 25 school.

1 26 EXPLANATION

1 27 This bill authorizes the creation of a philanthropy account

1 28 within a school district's student activity fund established

1 29 under Code section 298A.8. The bill provides that a

1 30 philanthropy account shall only consist of voluntary donations

1 31 raised by the students or school district employees for a

1 32 specified purpose. Moneys in the philanthropy account shall

1 33 be used to support philanthropic purposes. The bill defines

1 34 "philanthropic purpose" to be an educational, charitable,

1 35 humane, scientific, patriotic, social welfare or advocacy,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 337 - Introduced continued

2 1 public health, environmental, conservation, civic, or other
2 2 similar objective defined in department of education rules.
2 3 The bill specifies that philanthropic purposes for which moneys
2 4 in the account may be used are not limited to purposes relating
2 5 to the school or to students.

LSB 2595XS (2) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 338 - Introduced

SENATE FILE
BY ANDERSON

A BILL FOR

1 An Act relating to incentives for wind energy production and
2 development.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2166XS (2) 84
rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 338 - Introduced continued

PAG LIN

1 1 Section 1. Section 476C.1, subsection 6, paragraph d, Code
1 2 2011, is amended to read as follows:

1 3 d. Was initially placed into service on or after July 1,
1 4 2005, and before January 1, ~~2012~~ 2015.

1 5 Sec. 2. Section 476C.3, subsection 4, Code 2011, is amended
1 6 to read as follows:

1 7 4. The maximum amount of nameplate generating capacity
1 8 of all wind energy conversion facilities the board may find
1 9 eligible under this chapter shall not exceed ~~three~~ four hundred
1 10 thirty megawatts of nameplate generating capacity. The maximum
1 11 amount of energy production capacity equivalent of all other
1 12 facilities the board may find eligible under this chapter shall
1 13 not exceed a combined output of twenty megawatts of nameplate
1 14 generating capacity and one hundred sixty-seven billion British
1 15 thermal units of heat for a commercial purpose. Of the maximum
1 16 amount of energy production capacity equivalent of all other
1 17 facilities found eligible under this chapter, fifty-five
1 18 billion British thermal units of heat for a commercial purpose
1 19 shall be reserved for an eligible facility that is a refuse
1 20 conversion facility for processed, engineered fuel from a
1 21 multicounty solid waste management planning area. The maximum
1 22 amount of energy production capacity the board may find
1 23 eligible for a single refuse conversion facility is fifty-five
1 24 billion British thermal units of heat for a commercial purpose.

1 25 EXPLANATION

1 26 This bill relates to incentives for wind energy production
1 27 and development.

1 28 The bill extends the time period during which an eligible
1 29 renewable energy facility seeking to qualify for the renewable
1 30 energy tax credit in Code chapter 476C shall have been placed
1 31 in service by three years to before January 1, 2015. The
1 32 bill additionally increases the maximum amount of nameplate
1 33 generating capacity for all wind energy conversion facilities
1 34 eligible for the renewable energy tax credit from 330 megawatts
1 35 to 430 megawatts.

LSB 2166XS (2) 84

rn/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 339 - Introduced

SENATE FILE
BY HANCOCK

A BILL FOR

1 An Act increasing the wireless communications surcharge and
2 appropriating surcharge revenue for the establishment of a
3 bandwidth frequency compliance grant program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1465XS (7) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 339 - Introduced continued

PAG LIN

1 1 Section 1. Section 34A.7A, subsection 1, paragraphs a and b,
1 2 Code 2011, are amended to read as follows:

1 3 a. Notwithstanding section 34A.6, the administrator shall
1 4 adopt by rule a monthly surcharge of up to ~~sixty-five cents~~ one
1 5 dollar to be imposed on each wireless communications service
1 6 number provided in this state. The surcharge shall be imposed
1 7 uniformly on a statewide basis and simultaneously on all
1 8 wireless communications service numbers as provided by rule of
1 9 the administrator.

1 10 b. The program manager shall provide no less than one
1 11 hundred days' notice of the surcharge to be imposed to each
1 12 wireless communications service provider. The program manager,
1 13 subject to the ~~sixty-five cent~~ one dollar limit in paragraph
1 14 "a", may adjust the amount of the surcharge as necessary, but no
1 15 more than once in any calendar year.

1 16 Sec. 2. Section 34A.7A, subsection 2, Code 2011, is amended
1 17 by adding the following new paragraph:

1 18 NEW PARAGRAPH. 0g. Notwithstanding any other provision
1 19 or allocation of wireless communications surcharge revenue
1 20 otherwise applicable pursuant to this subsection, the revenue
1 21 collected pursuant to this section which is attributable to the
1 22 wireless communications surcharge rate in excess of sixty-five
1 23 cents shall be deposited in a separate bandwidth frequency
1 24 compliance fund within the state treasury under the control
1 25 of the program manager. Moneys in the fund are appropriated
1 26 and shall be utilized for the establishment and administration
1 27 of a grant program to assist local police, fire, medical
1 28 rescue, and emergency management personnel in complying with
1 29 federal government mandates regarding bandwidth frequencies
1 30 as contained in 47 C.F.R., pt. 90, { 209. The administrator,
1 31 in consultation with the E911 communications council, shall
1 32 establish grant program eligibility criteria, and application
1 33 and distribution procedures, by rule.

1 34 EXPLANATION

1 35 This bill provides for an increase in the wireless



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 339 - Introduced continued

2 1 communications surcharge imposed in Code chapter 34A, and
2 2 provides for the establishment of a grant program funded by the
2 3 resulting surcharge revenue.
2 4 A monthly surcharge is imposed on each wireless
2 5 communications service number provided in Iowa. The surcharge
2 6 is imposed on a uniform statewide basis and is determined
2 7 by the administrator of the homeland security and emergency
2 8 management division of the department of public defense. The
2 9 current surcharge rate is an amount up to 65 cents per month.
2 10 The bill increases the surcharge rate to up to \$1 per month
2 11 and provides that the amount collected attributable to this
2 12 increase shall be utilized to establish by rule a grant program
2 13 to assist local police, fire, medical rescue, and emergency
2 14 management personnel in complying with federal government
2 15 mandates regarding bandwidth frequencies.

LSB 1465XS (7) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 340 - Introduced

SENATE FILE
BY KAPUCIAN

A BILL FOR

1 An Act relating to the disposition of revenue derived from the
2 use of automated traffic enforcement systems by cities or
3 counties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2528XS (5) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 340 - Introduced continued

PAG LIN

1 1 Section 1. Section 331.307, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 14. Penalties collected from the use of an
1 4 automated traffic enforcement system and remitted to the county
1 5 pursuant to section 602.8106, subsection 3, shall be deposited
1 6 in the secondary road fund of the county to be used for road
1 7 construction, maintenance, and repair.

1 8 Sec. 2. Section 364.3, subsection 2, Code 2011, is amended
1 9 to read as follows:

1 10 2. For a violation of an ordinance a city shall not
1 11 provide a penalty in excess of the maximum fine and term of
1 12 imprisonment for a simple misdemeanor under section 903.1,
1 13 subsection 1, paragraph "a". Am Except as otherwise provided
1 14 in this subsection, an amount equal to ten percent of all
1 15 finest collected by cities shall be deposited in the account
1 16 established in section 602.8108. However, one

1 17 a. One hundred percent of all fines collected by a city
1 18 pursuant to section 321.236, subsection 1, shall be retained
1 19 by the city.

1 20 b. One hundred percent of the fines collected from the use
1 21 of an automated traffic enforcement system shall be deposited
1 22 in the city's automated traffic enforcement program account
1 23 established pursuant to section 384.3B.

1 24 c. The criminal penalty surcharge required by section 911.1
1 25 shall be added to a city fine and is not a part of the city's
1 26 penalty.

1 27 Sec. 3. NEW SECTION. 384.3B Automated traffic enforcement
1 28 program account.

1 29 1. A city that uses an automated traffic enforcement system
1 30 shall establish an automated traffic enforcement program
1 31 account within the city's general fund. Interest earned on
1 32 revenues deposited in the account pursuant to section 364.3,
1 33 subsection 2, shall remain in the account and be used for the
1 34 purposes specified in this section. Moneys in the account are
1 35 not subject to transfer to any other accounts in the city's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 340 - Introduced continued

2 1 general fund or to any other funds established by a city unless
2 2 such transfer is for a purpose specified in this section.
2 3 2. Moneys in the account shall be used first to pay the
2 4 costs of operating the city's automated traffic enforcement
2 5 program.

2 6 3. a. Except as provided in paragraph "b", moneys in the
2 7 account in excess of the amount necessary for the purpose
2 8 specified in subsection 2 shall be deposited in the city's
2 9 street construction fund to be used for road construction,
2 10 maintenance, and repair.

2 11 b. Moneys in the account in excess of the amount necessary
2 12 for the purpose specified in subsection 2 which are attributed
2 13 to fines for violations occurring on a portion of highway that
2 14 is maintained by a county shall be remitted to that county for
2 15 deposit in the county's secondary road fund.

2 16 Sec. 4. Section 602.8106, subsection 3, Code 2011, is
2 17 amended to read as follows:

2 18 3. a. The clerk of the district court shall remit all fines
2 19 and forfeited bail for violation of a county ordinance, except
2 20 an ordinance relating to vehicle speed or weight restrictions,
2 21 to the county treasurer of the county that was the plaintiff
2 22 in the action, and shall provide that county with a statement
2 23 showing the total number of cases, the total of all fines
2 24 and forfeited bail collected, and the total of all cases
2 25 dismissed. However, if a county ordinance provides a penalty
2 26 for a violation which is also penalized under state law, the
2 27 fines and forfeited bail collected for the violation shall be
2 28 submitted to the state court administrator.

2 29 b. Notwithstanding subparagraph (1), civil fines collected
2 30 pursuant to a county's automated traffic enforcement program
2 31 shall be remitted to the county treasurer of the county that
2 32 was a plaintiff in the action.

2 33 EXPLANATION

2 34 This bill addresses the use of revenue derived by local
2 35 governments from the use of automated traffic enforcement



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 340 - Introduced continued

3 1 systems, otherwise known as "traffic cameras".
3 2 Under the bill, a city that has an automated traffic
3 3 enforcement program must establish a separate account in the
3 4 city's general fund for the deposit of fines collected from
3 5 the use of automated traffic enforcement systems. Moneys
3 6 in the account, including interest, shall be used first to
3 7 pay the costs of the city's automated traffic enforcement
3 8 program. The remaining moneys shall be deposited in the city's
3 9 street construction fund to be used for road construction,
3 10 maintenance, and repair, except that any moneys which are
3 11 attributed to fines for violations occurring on a portion of
3 12 highway that is maintained by a county shall be remitted to the
3 13 county for deposit in the county's secondary road fund.
3 14 The bill directs the clerk of the district court to remit
3 15 civil fines collected pursuant to a county's automated traffic
3 16 enforcement program to the county treasurer for deposit in
3 17 the secondary road fund of the county, to be used for road
3 18 construction, maintenance, and repair.

LSB 2528XS (5) 84

dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 341 - Introduced

SENATE FILE
BY RIELLY

A BILL FOR

1 An Act relating to offenses involving agricultural operations,
2 and providing penalties and remedies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2093XS (7) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 341 - Introduced continued

PAG LIN

1 1 Section 1. Section 717A.1, subsection 3, Code 2011, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 3. "Animal" means a mammal, bird, fish, reptile, or
1 5 amphibian, including an agricultural animal or any other animal
1 6 that is maintained by an animal facility.

1 7 Sec. 2. Section 717A.1, subsection 4, paragraphs a and b,
1 8 Code 2011, are amended to read as follows:

1 9 a. A location where an agricultural animal is maintained ~~for~~
~~1 10 agricultural production purposes,~~ including but not limited to
1 11 a location dedicated to farming as defined in section 9H.1, a
1 12 livestock market, or exhibition, ~~or a vehicle used to transport~~
~~1 13 the animal.~~

1 14 b. A location where an animal is maintained for educational
1 15 or scientific purposes, including but not limited to a research
1 16 facility as defined in section 162.2, ~~an exhibition, or a~~
~~1 17 vehicle used to transport the animal.~~

1 18 Sec. 3. Section 717A.1, subsection 7, Code 2011, is amended
1 19 to read as follows:

1 20 7. "Crop operation" means a ~~commercial enterprise where a~~
~~1 21 crop is maintained on the property of the commercial enterprise~~
~~1 22~~ location where a crop is maintained, including but not limited
1 23 to a crop field, orchard, nursery, greenhouse, garden,
1 24 elevator, seedhouse, barn, or warehouse.

1 25 Sec. 4. Section 717A.1, subsection 9, paragraph a,
1 26 unnumbered paragraph 1, Code 2011, is amended to read as
1 27 follows:

1 28 For an animal maintained at an animal facility or property
1 29 ~~belonging to~~ kept at an animal facility, "deprive" means to do
1 30 any of the following:

1 31 Sec. 5. Section 717A.1, subsection 9, paragraph b,
1 32 subparagraph (2), Code 2011, is amended to read as follows:

1 33 (2) Dispose of a crop maintained ~~on~~ at the crop operation or
1 34 property ~~or belonging to~~ kept at the crop operation in a manner
1 35 that makes recovery of the crop or ~~crop operation~~ property by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 341 - Introduced continued

2 1 its owner unlikely.

2 2 Sec. 6. Section 717A.1, subsection 11, paragraphs a and b,
2 3 Code 2011, are amended to read as follows:

2 4 a. A person, including a public or private entity, who has
2 5 a legal interest in an animal maintained at the animal facility
2 6 or other property belonging to kept at an animal facility, or a
2 7 person who is authorized by the holder of the legal interest to
2 8 act on the holder's behalf in maintaining the animal or keeping
2 9 the other property.

2 10 b. A person, including a public or private entity, who has
2 11 a legal interest in a crop maintained at the crop operation or
2 12 crop operation other property kept at the crop operation, or a
2 13 person who is authorized by the holder of the legal interest to
2 14 act on the holder's behalf in maintaining the crop or keeping
2 15 the other property.

2 16 Sec. 7. Section 717A.1, Code 2011, is amended by adding the
2 17 following new subsection:

2 18 NEW SUBSECTION. 11A. "Record" means any printed, inscribed,
2 19 visual, or audio information that is placed or stored on a
2 20 tangible medium, and that may be accessed in a perceivable
2 21 form, including but not limited to any paper or electronic
2 22 format.

2 23 Sec. 8. Section 717A.2, Code 2011, is amended by striking
2 24 the section and inserting in lieu thereof the following:

2 25 717A.2 Animal facility tampering.

2 26 1. A person is guilty of animal facility tampering if the
2 27 person acts without the consent of the owner of an animal
2 28 facility to willfully do any of the following:

2 29 a. Damage, destroy, or alter property kept at the animal
2 30 facility, including but not limited to land, fixtures,
2 31 structures, equipment, machinery, vehicles, records, or
2 32 computer software or data.

2 33 b. Kill or injure an animal maintained at the animal
2 34 facility, including by an act of violence or the transmission
2 35 of a disease including but not limited to any infectious or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

3 1 contagious disease designated by the department of agriculture
3 2 and land stewardship pursuant to section 163.2.
3 3 c. Take by theft an animal maintained or other property kept
3 4 at the animal facility.
3 5 d. Disrupt operations conducted at the animal facility,
3 6 if the operations directly relate to agricultural production,
3 7 animal maintenance, educational or scientific purposes, or
3 8 veterinary care.
3 9 2. A person who commits the offense of animal facility
3 10 tampering is guilty of the following:
3 11 a. Animal facility tampering in the first degree occurs when
3 12 the result of the offense is damages incurred by the owner of
3 13 the animal facility of more than one hundred thousand dollars.
3 14 A person convicted of animal facility tampering in the first
3 15 degree is guilty of a class "C" felony.
3 16 b. Animal facility tampering in the second degree occurs
3 17 when the result of the offense is damages incurred by the owner
3 18 of the animal facility of more than ten thousand dollars but
3 19 not more than one hundred thousand dollars. A person convicted
3 20 of animal facility tampering in the second degree is guilty of
3 21 a class "D" felony.
3 22 c. Animal facility tampering in the third degree occurs
3 23 when the result of the offense is damages incurred by the owner
3 24 of the animal facility of more than one thousand dollars but
3 25 not more than ten thousand dollars. A person convicted of
3 26 animal facility tampering in the third degree is guilty of an
3 27 aggravated misdemeanor.
3 28 d. Animal facility tampering in the fourth degree occurs
3 29 when the result of the offense is the damages incurred by the
3 30 owner of the animal facility of more than three hundred dollars
3 31 but not more than one thousand dollars. A person convicted of
3 32 animal facility tampering in the fourth degree is guilty of a
3 33 serious misdemeanor.
3 34 e. Animal facility tampering in the fifth degree occurs when
3 35 the result of the offense is damages incurred by the owner of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

4 1 the animal facility of three hundred dollars or less. A person
4 2 convicted of animal facility tampering in the fifth degree is
4 3 guilty of a simple misdemeanor.

4 4 3. A person who participates in a conspiracy to commit
4 5 the offense of animal facility tampering, and who acts in
4 6 furtherance of that commission, is guilty of the same offense
4 7 as the person convicted of committing the offense on or in the
4 8 animal facility.

4 9 4. A person convicted of animal facility tampering is
4 10 subject to an order of restitution as provided in chapter 910.

4 11 5. In determining the value of damages incurred by an
4 12 owner of an animal facility under this section, a court
4 13 shall calculate the actual and consequential pecuniary losses
4 14 resulting from the commission of the offense.

4 15 Sec. 9. NEW SECTION. 717A.2A Animal facility interference.

4 16 1. A person is guilty of animal facility interference, if
4 17 the person acts without the consent of the owner of an animal
4 18 facility to willfully do any of the following:

4 19 a. Produce a record which reproduces an image or sound
4 20 occurring at the animal facility as follows:

4 21 (1) The record must be created by the person while at the
4 22 animal facility.

4 23 (2) The record must be a reproduction of a visual or audio
4 24 experience occurring at the animal facility, including but not
4 25 limited to a photographic or audio medium.

4 26 b. Possess or distribute a record which produces an image
4 27 or sound occurring at the animal facility which was produced
4 28 as provided in paragraph "a".

4 29 c. Exercise control over the animal facility including an
4 30 animal maintained at the animal facility or other property
4 31 kept at the animal facility, with intent to deprive the animal
4 32 facility of the animal or property.

4 33 d. Enter onto the animal facility, or remain at the animal
4 34 facility, if the person has notice that the facility is
4 35 not open to the public. A person has notice that an animal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 341 - Introduced continued

5 1 facility is not open to the public if the person is provided
5 2 notice before entering onto the facility, or the person refuses
5 3 to immediately leave the facility after being informed to
5 4 leave. The notice may be in the form of a written or verbal
5 5 communication by the owner, a fence or other enclosure designed
5 6 to exclude intruders or contain animals, or a sign posted which
5 7 is reasonably likely to come to the attention of an intruder
5 8 and which indicates that entry is forbidden.
5 9 2. A person who commits the offense of animal facility
5 10 interference is guilty of the following:
5 11 a. For the first conviction, the person is guilty of an
5 12 aggravated misdemeanor.
5 13 b. For a second or subsequent conviction, the person is
5 14 guilty of a class "D" felony.
5 15 3. A person convicted of animal facility interference is
5 16 subject to an order of restitution as provided in chapter 910.
5 17 Sec. 10. NEW SECTION. 717A.2B Animal facility fraud.
5 18 1. A person is guilty of animal facility fraud, if the
5 19 person willfully does any of the following:
5 20 a. Obtains access to an animal facility by false pretenses
5 21 for the purpose of committing an act not authorized by the
5 22 owner of the animal facility.
5 23 b. Makes a false statement or representation as part of
5 24 an application to be employed at the animal facility, if the
5 25 person knows it to be false.
5 26 2. A person who commits the offense of animal facility fraud
5 27 is guilty of the following:
5 28 a. For the first conviction, the person is guilty of an
5 29 aggravated misdemeanor.
5 30 b. For a second or subsequent conviction, the person is
5 31 guilty of a class "D" felony.
5 32 3. A person convicted of animal facility fraud is subject to
5 33 an order of restitution as provided in chapter 910.
5 34 Sec. 11. NEW SECTION. 717A.2C Animal facilities ==== civil
5 35 actions.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

6 1 1. A person suffering damages resulting from the commission
6 2 of animal facility tampering as provided in section 717A.2 or
6 3 animal facility interference as provided in section 717A.2A
6 4 may bring an action in the district court against the person
6 5 causing the damages to recover all of the following:
6 6 a. An amount equaling three times all actual and
6 7 consequential damages.
6 8 b. Court costs and reasonable attorney fees.
6 9 2. In addition to awarding damages as provided in subsection
6 10 1, a court may grant any equitable relief that the court
6 11 determines is appropriate. Nothing in this chapter shall
6 12 prevent a party from petitioning a court for equitable relief.
6 13 Sec. 12. NEW SECTION. 717A.2D Animal facilities ====
6 14 exceptions.
6 15 1. Section 717A.2 or 717A.2A does not prohibit any conduct
6 16 of a person holding a legal interest in an animal facility, an
6 17 animal maintained at the animal facility, or other property
6 18 kept at the animal facility which legal interest is superior to
6 19 the legal interest held by a person incurring damages resulting
6 20 from the conduct.
6 21 2. Section 717A.2 or 717A.2A does not apply to any of the
6 22 following:
6 23 a. A governmental agency or officer who is taking lawful
6 24 action involving an animal facility, an animal maintained at
6 25 the animal facility, or other property kept at the animal
6 26 facility.
6 27 b. A licensed veterinarian practicing veterinary medicine as
6 28 provided in chapter 169 and according to customary standards
6 29 of care.
6 30 Sec. 13. Section 717A.3, Code 2011, is amended by striking
6 31 the section and inserting in lieu thereof the following:
6 32 717A.3 Crop operation tampering.
6 33 1. A person is guilty of crop operation tampering if
6 34 the person acts without the consent of the owner of a crop
6 35 operation to willfully do any of the following:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

7 1 a. Damage, destroy, or alter property kept at the crop
7 2 operation, including but not limited to land, fixtures,
7 3 structures, equipment, machinery, vehicles, records, or
7 4 computer software or data.
7 5 b. Destroy or injure a crop maintained at a crop operation,
7 6 including by an act of violence or the transmission of a
7 7 disease including but not limited to any disease or pests.
7 8 c. Take by theft a crop maintained or other personal
7 9 property kept at the crop operation.
7 10 d. Disrupt operations conducted at the crop operation, if
7 11 the operations directly relate to agricultural production,
7 12 crop maintenance, educational or scientific purposes, or
7 13 horticultural care.
7 14 2. A person who commits the offense of crop operation
7 15 tampering is guilty of the following:
7 16 a. Crop operation tampering in the first degree occurs when
7 17 the result of the offense is damages incurred by the owner of
7 18 more than one hundred thousand dollars. A person convicted of
7 19 crop operation tampering in the first degree is guilty of a
7 20 class "C" felony.
7 21 b. Crop operation tampering in the second degree occurs when
7 22 the result of the offense is damages incurred by the owner of
7 23 the crop operation of more than ten thousand dollars but not
7 24 more than one hundred thousand dollars. A person convicted of
7 25 crop operation tampering in the second degree is guilty of a
7 26 class "D" felony.
7 27 c. Crop operation tampering in the third degree occurs when
7 28 the result of the offense is damages incurred by the owner of
7 29 the crop operation of more than one thousand dollars but not
7 30 more than ten thousand dollars. A person convicted of crop
7 31 operation property tampering in the third degree is guilty of
7 32 an aggravated misdemeanor.
7 33 d. Crop operation tampering in the fourth degree occurs
7 34 when the result of the offense is damages incurred by the owner
7 35 of the crop operation of more than three hundred dollars but



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

8 1 not more than one thousand dollars. A person convicted of crop
8 2 operation tampering in the fourth degree is guilty of a serious
8 3 misdemeanor.
8 4 e. Crop operation tampering in the fifth degree occurs when
8 5 the result of the offense is damages incurred by the owner of
8 6 the crop operation of three hundred dollars or less. A person
8 7 convicted of crop operation tampering in the fifth degree is
8 8 guilty of a simple misdemeanor.
8 9 3. A person who participates in a conspiracy to commit
8 10 the offense of crop operation tampering, and who acts in
8 11 furtherance of that commission, is guilty of the same offense
8 12 as the person convicted of committing the offense on or in the
8 13 crop operation.
8 14 4. A person convicted of crop operation tampering is subject
8 15 to an order of restitution as provided in chapter 910.
8 16 5. In determining the value of damages incurred under this
8 17 section, a court shall calculate the actual and consequential
8 18 pecuniary losses resulting from the commission of the offense.
8 19 Sec. 14. NEW SECTION. 717A.3A Crop operation interference.
8 20 1. A person is guilty of crop operation interference, if
8 21 the person acts without the consent of the owner of a crop
8 22 operation to willfully do any of the following:
8 23 a. Produce a record which reproduces an image or sound
8 24 occurring at the crop operation as follows:
8 25 (1) The record must be created by the person while at the
8 26 crop operation.
8 27 (2) The record must be a reproduction of a visual or audio
8 28 experience occurring at the crop operation, including but not
8 29 limited to a photographic or audio medium.
8 30 b. Possess or distribute a record which produces an image
8 31 or sound occurring at the crop operation which was produced as
8 32 provided in paragraph "a".
8 33 c. Exercise control over the crop operation, including a
8 34 crop maintained at the crop operation or other property kept at
8 35 the crop operation, with intent to deprive the crop operation



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

9 1 of the crop or property.
9 2 d. Enter onto the crop operation, or remain on or in
9 3 the crop operation, if the person has notice that the crop
9 4 operation is not open to the public. A person has notice that
9 5 a crop operation is not open to the public if the person is
9 6 provided notice before entering onto the crop operation, or the
9 7 person refuses to immediately leave the crop operation after
9 8 being informed to leave. The notice may be in the form of a
9 9 written or verbal communication by the owner, a fence or other
9 10 enclosure designed to exclude intruders or contain crops, or a
9 11 sign posted which is reasonably likely to come to the attention
9 12 of an intruder and which indicates that entry is forbidden.
9 13 2. A person who commits the offense of crop operation
9 14 interference is guilty of the following:
9 15 a. For the first conviction, the person is guilty of an
9 16 aggravated misdemeanor.
9 17 b. For a second or subsequent conviction, the person is
9 18 guilty of a class "D" felony.
9 19 3. A person convicted of crop operation interference is
9 20 subject to an order of restitution as provided in chapter 910.
9 21 Sec. 15. NEW SECTION. 717A.3B Crop operation fraud.
9 22 1. A person is guilty of crop operation fraud, if the person
9 23 willfully does any of the following:
9 24 a. Obtains access to a crop operation by false pretenses for
9 25 the purpose of committing an act not authorized by the owner
9 26 of the crop operation.
9 27 b. Makes a false statement or representation as part of an
9 28 application to be employed at a crop operation, if the person
9 29 knows it to be false.
9 30 2. A person who commits the offense of crop operation fraud
9 31 is guilty of the following:
9 32 a. For the first conviction, the person is guilty of an
9 33 aggravated misdemeanor.
9 34 b. For a second or subsequent conviction, the person is
9 35 guilty of a class "D" felony.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 341 - Introduced continued

10 1 3. A person convicted of crop operation fraud is subject to
10 2 an order of restitution as provided in chapter 910.

10 3 Sec. 16. NEW SECTION. 717A.3C Crop operations ==== civil
10 4 actions.

10 5 1. A person suffering damages resulting from the commission
10 6 of crop operation tampering as provided in section 717A.3 or
10 7 crop operation interference as provided in section 717A.3A
10 8 may bring an action in the district court against the person
10 9 causing the damage to recover all of the following:

10 10 a. An amount equaling three times all actual and
10 11 consequential damages.

10 12 b. Court costs and reasonable attorney fees.

10 13 2. In addition to awarding damages as provided in subsection
10 14 1, a court may grant any equitable relief that the court
10 15 determines is appropriate. Nothing in this chapter shall
10 16 prevent a party from petitioning a court for equitable relief.

10 17 Sec. 17. NEW SECTION. 717A.3D Crop operations ====
10 18 exceptions.

10 19 1. Section 717A.3 or 717A.3A does not prohibit any conduct
10 20 of a person holding a legal interest in a crop operation, a
10 21 crop maintained at the crop operation, or other property kept
10 22 at the crop operation which legal interest is superior to the
10 23 legal interest held by a person incurring damages resulting
10 24 from the conduct.

10 25 2. Section 717A.3 or 717A.3A does not apply to a
10 26 governmental agency or officer who is taking lawful action
10 27 involving a crop operation, a crop maintained at the crop
10 28 operation, or other property kept at the crop operation.

10 29 EXPLANATION

10 30 GENERAL. This bill amends Code chapter 717A, which
10 31 prohibits a person from entering on or damaging property
10 32 associated with a facility or operation where animals or
10 33 crops are maintained. An animal facility includes a location
10 34 where an animal is produced for agricultural or educational
10 35 scientific purposes, or a location operated by a licensed



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

11 1 veterinarian, or a commercial or nonprofit pet establishment.
11 2 A crop operation includes a crop field, orchard, or other
11 3 location where a crop is grown, harvested, or stored. The bill
11 4 strikes and rewrites provisions specifying the offenses.
11 5 TAMPERING. The bill prohibits a person from tampering with
11 6 property associated with an animal facility or crop operation,
11 7 including damaging property, killing or injuring an animal or
11 8 crop, committing theft, or disrupting operations. The various
11 9 degrees of the offense based on loss incurred by the owner of
11 10 the property, and ranging from a class "C" felony for a loss of
11 11 more than \$100,000 to a simple misdemeanor for a loss of \$300
11 12 or less. A person is guilty of the same offense for conspiracy
11 13 in furtherance of the act. A person convicted of tampering is
11 14 subject to an order of restitution (Code chapter 910).
11 15 INTERFERENCE. The bill prohibits a person from interfering
11 16 with an animal facility or crop operation. This includes
11 17 producing an audio or visual record which reproduces an image
11 18 or sound occurring on or in the location, or possessing or
11 19 distributing the record. It also prohibits a person from
11 20 exercising control over the location or property, with intent
11 21 to deprive the owner of the property, or entering onto the
11 22 location, if the person has notice that the location is not
11 23 open to the public. The severity of the offense is based on
11 24 whether there has been a previous conviction. For the first
11 25 conviction, the person is guilty of an aggravated misdemeanor,
11 26 and for a second or subsequent conviction, the person is guilty
11 27 of a class "D" felony.
11 28 FRAUD. The bill prohibits a person from committing fraud,
11 29 by obtaining access to an animal facility or crop operation
11 30 by false pretenses for the purpose of committing an act not
11 31 authorized by the owner, or making a false statement as part of
11 32 an application to be employed at the location. The severity
11 33 of the offense is based on whether there has been a previous
11 34 conviction. For the first conviction, the person is guilty
11 35 of an aggravated misdemeanor, and for a second or subsequent



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 341 - Introduced continued

12 1 conviction, the person is guilty of a class "D" felony. A
12 2 person convicted of tampering is subject to an order of
12 3 restitution (Code chapter 910).
12 4 CONVICTION FOR OFFENSES ==== PENALTIES. A class "C" felony
12 5 is punishable by confinement for no more than 10 years and a
12 6 fine of at least \$1,000 but not more than \$10,000. A class
12 7 "D" felony is punishable by confinement for no more than five
12 8 years and a fine of at least \$750 but not more than \$7,500. An
12 9 aggravated misdemeanor is punishable by confinement for no more
12 10 than two years and a fine of at least \$625 but not more than
12 11 \$6,250. A serious misdemeanor is punishable by confinement for
12 12 no more than one year and a fine of at least \$315 but not more
12 13 than \$1,875. A simple misdemeanor is punishable by confinement
12 14 for no more than 30 days or a fine of at least \$65 but not more
12 15 than \$625 or by both.
12 16 CIVIL PENALTIES. In addition to the criminal penalties,
12 17 a person suffering damages resulting from the commission of
12 18 tampering or interference may bring an action in the district
12 19 court against the person causing the damages to recover an
12 20 amount equaling three times all actual and consequential
12 21 damages, and court costs and reasonable attorney fees. In
12 22 addition, a court may grant a petitioner equitable relief.
12 23 EXCEPTIONS. The provisions in the bill do not prohibit
12 24 any conduct of a person holding a legal interest in an animal
12 25 facility, crop operation, animal, crop, or property which legal
12 26 interest is superior to the legal interest held by a person
12 27 incurring damages resulting from the conduct; an action by a
12 28 governmental agency or officer; or an action by a licensed
12 29 veterinarian.

LSB 2093XS (7) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 342 - Introduced

SENATE FILE
BY ANDERSON

A BILL FOR

1 An Act providing continuing education opportunities for
2 plumbers, mechanical professionals, and contractors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2346XS (2) 84
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 342 - Introduced continued

PAG LIN

1 1 Section 1. Section 105.20, subsection 6, Code 2011, is
1 2 amended to read as follows:
1 3 6. a. The board shall establish continuing education
1 4 requirements pursuant to section 272C.2. The basic continuing
1 5 education requirement for renewal of a license shall be the
1 6 completion, during the immediately preceding license term,
1 7 of the number of ~~classroom~~ hours of instruction required by
1 8 the board in courses or seminars which have been approved by
1 9 the board. Courses may be offered through the internet, the
1 10 Iowa communications network, or other remote learning system.

1 11 The board shall require at least eight ~~classroom~~ hours of
1 12 instruction during each licensing term.

1 13 b. A licensee who, for good cause, is unable to complete
1 14 the instruction requirement during the immediately preceding
1 15 licensing term shall be provided with a three-month extension
1 16 to obtain the required instruction.

1 17 Sec. 2. Section 135.11, Code 2011, is amended by adding the
1 18 following new subsection:

1 19 NEW SUBSECTION. 31. The department shall offer continuing
1 20 education instruction for plumbers, mechanical professionals,
1 21 and contractors in accordance with the requirements established
1 22 by the plumbing and mechanical systems board pursuant to
1 23 section 105.20. This instruction shall be made available
1 24 throughout the state and throughout the year. Courses may be
1 25 offered through the internet, the Iowa communications network,
1 26 or other remote learning system.

1 27 EXPLANATION

1 28 This bill allows licensed plumbers, mechanical
1 29 professionals, and contractors to obtain their required
1 30 continuing education through the internet, the Iowa
1 31 communications network, or other remote learning system.

1 32 A licensee who, for good cause, is unable to complete the
1 33 instruction requirement is entitled to a three-month extension
1 34 to obtain the required instruction.

1 35 The department of public health is required to offer



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 342 - Introduced continued

2 1 continuing education throughout the state and throughout the
2 2 year.

LSB 2346XS (2) 84

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 343 - Introduced

SENATE FILE
BY HATCH and DEARDEN

(COMPANION TO LSB
2173HH BY HUNTER)

A BILL FOR

1 An Act providing for the restoration of the right to register
2 to vote and to vote and hold elective office for certain
3 persons and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2173SS (3) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 343 - Introduced continued

PAG LIN

1 1 Section 1. Section 39A.1, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. The purpose of this chapter is to identify actions which
1 4 threaten the integrity of the election process and to impose
1 5 significant sanctions upon persons who intentionally commit
1 6 those acts. It is the intent of the general assembly that
1 7 offenses with the greatest potential to affect the election
1 8 process be vigorously prosecuted and strong punishment meted
1 9 out through the imposition of felony sanctions which, as a
1 10 consequence, remove the voting rights of the offenders until
1 11 such rights are restored by the governor, by the president of
1 12 the United States, or by operation of law. Other offenses are
1 13 still considered serious, but based on the factual context in
1 14 which they arise, they may not rise to the level of offenses
1 15 to which felony penalties attach. The general assembly
1 16 also recognizes that instances may arise in which technical
1 17 infractions of chapters 39 through 53 may occur which do not
1 18 merit any level of criminal sanction. In such instances,
1 19 administrative notice from the state or county commissioner
1 20 of elections is sufficient. Mandates or proscriptions in
1 21 chapters 39 through 53 which are not specifically included in
1 22 this chapter shall be considered to be directive only, without
1 23 criminal sanction.
1 24 Sec. 2. Section 43.18, subsection 9, Code 2011, is amended
1 25 to read as follows:
1 26 9. A statement that the candidate is aware that the
1 27 candidate is disqualified from holding office if the candidate
1 28 has been convicted of a felony or other infamous crime and the
1 29 candidate's rights have not been restored by the governor, ~~or~~
1 30 by the president of the United States, or by operation of law.
1 31 Sec. 3. Section 43.67, subsection 2, paragraph i, Code 2011,
1 32 is amended to read as follows:
1 33 i. A statement that the candidate is aware that the
1 34 candidate is disqualified from holding office if the candidate
1 35 has been convicted of a felony or other infamous crime and the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 343 - Introduced continued

2 1 candidate's rights have not been restored by the governor, ~~or~~
2 2 by the president of the United States, or by operation of law.

2 3 Sec. 4. Section 44.3, subsection 2, paragraph i, Code 2011,
2 4 is amended to read as follows:

2 5 i. A statement that the candidate is aware that the
2 6 candidate is disqualified from holding office if the candidate
2 7 has been convicted of a felony or other infamous crime and the
2 8 candidate's rights have not been restored by the governor, ~~or~~
2 9 by the president of the United States, or by operation of law.

2 10 Sec. 5. Section 45.3, subsection 9, Code 2011, is amended
2 11 to read as follows:

2 12 9. A statement that the candidate is aware that the
2 13 candidate is disqualified from holding office if the candidate
2 14 has been convicted of a felony or other infamous crime and the
2 15 candidate's rights have not been restored by the governor, ~~or~~
2 16 by the president of the United States, or by operation of law.

2 17 Sec. 6. Section 48A.6, subsection 1, Code 2011, is amended
2 18 to read as follows:

2 19 1. A person who has been convicted of a felony as defined
2 20 in section 701.7, or convicted of an offense classified as a
2 21 felony under federal law. If the person's rights are later
2 22 restored ~~by the governor, or by the president of the United~~
2 23 ~~States, pursuant to section 914.8, or by a pardon issued by the~~
2 24 governor or the president of the United States, the person may
2 25 register to vote.

2 26 Sec. 7. Section 57.1, subsection 2, paragraph c, Code 2011,
2 27 is amended to read as follows:

2 28 c. That prior to the election the incumbent had been duly
2 29 convicted of a felony, as defined in section 701.7, and that
2 30 the judgment had not been reversed, annulled, or set aside, nor
2 31 the incumbent pardoned by the governor or the president of the
2 32 United States or restored to the rights of citizenship by the
2 33 ~~governor under chapter 914 pursuant to section 914.8, at the~~
2 34 time of the election.

2 35 Sec. 8. Section 99B.1, subsection 13, paragraph a,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 343 - Introduced continued

3 1 subparagraph (3), Code 2011, is amended to read as follows:
3 2 (3) The applicant has not been convicted of a felony.
3 3 However, if the applicant's conviction occurred more than five
3 4 years before the date of the application for a license, and
3 5 if the applicant's rights of citizenship have been restored
3 6 by the governor pursuant to sections 914.1 through 914.6, the
3 7 director of the department may determine that the applicant is
3 8 an eligible applicant.
3 9 Sec. 9. Section 123.3, subsection 26, paragraph d, Code
3 10 2011, is amended to read as follows:
3 11 d. The person has not been convicted of a felony. However,
3 12 if the person's conviction of a felony occurred more than five
3 13 years before the date of the application for a license or
3 14 permit, and if the person's rights of citizenship have been
3 15 restored by the governor pursuant to sections 914.1 through
3 16 914.6, the administrator may determine that the person is of
3 17 good moral character notwithstanding such conviction.
3 18 Sec. 10. Section 161A.5, subsection 3, paragraph b, Code
3 19 2011, is amended to read as follows:
3 20 b. Every candidate shall file with the nomination papers
3 21 an affidavit stating the candidate's name, the candidate's
3 22 residence, that the person is a candidate and is eligible for
3 23 the office of commissioner, and that if elected the candidate
3 24 will qualify for the office. The affidavit shall also state
3 25 that the candidate is aware that the candidate is disqualified
3 26 from holding office if the candidate has been convicted of a
3 27 felony or other infamous crime and the candidate's rights have
3 28 not been restored by the governor, ~~or~~ by the president of the
3 29 United States, or by operation of law.
3 30 Sec. 11. Section 277.4, subsection 2, paragraph b, Code
3 31 2011, is amended to read as follows:
3 32 b. Signers of nomination petitions shall include their
3 33 addresses and the date of signing, and must reside in the same
3 34 director district as the candidate if directors are elected
3 35 by the voters of a director district, rather than at-large.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 343 - Introduced continued

4 1 A person may sign nomination petitions for more than one
4 2 candidate for the same office, and the signature is not invalid
4 3 solely because the person signed nomination petitions for
4 4 one or more other candidates for the office. The petition
4 5 shall be filed with the affidavit of the candidate being
4 6 nominated, stating the candidate's name, place of residence,
4 7 that such person is a candidate and is eligible for the office
4 8 the candidate seeks, and that if elected the candidate will
4 9 qualify for the office. The affidavit shall also state that
4 10 the candidate is aware that the candidate is disqualified
4 11 from holding office if the candidate has been convicted of a
4 12 felony or other infamous crime and the candidate's rights have
4 13 not been restored by the governor, ~~or~~ by the president of the
4 14 United States, or by operation of law.

4 15 Sec. 12. Section 376.4, subsection 2, paragraph b, Code
4 16 2011, is amended to read as follows:

4 17 b. The petition must include the affidavit of the individual
4 18 for whom it is filed, stating the individual's name, the
4 19 individual's residence, that the individual is a candidate and
4 20 eligible for the office, and that if elected the individual
4 21 will qualify for the office. The affidavit shall also state
4 22 that the candidate is aware that the candidate is disqualified
4 23 from holding office if the candidate has been convicted of a
4 24 felony or other infamous crime and the candidate's rights have
4 25 not been restored by the governor, ~~or~~ by the president of the
4 26 United States, or by operation of law.

4 27 Sec. 13. Section 914.2, Code 2011, is amended to read as
4 28 follows:

4 29 914.2 Right of application.

4 30 Except as otherwise provided in section 902.2 or 914.8, a
4 31 person convicted of a criminal offense has the right to make
4 32 application to the board of parole for recommendation or to
4 33 the governor for a reprieve, pardon, commutation of sentence,
4 34 remission of fines or forfeitures, or restoration of rights of
4 35 citizenship at any time following the conviction.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 343 - Introduced continued

5 1 Sec. 14. NEW SECTION. 914.8 Restoration of right to
5 2 register and to vote.

5 3 1. A person convicted of a felony criminal offense who has
5 4 been discharged from probation under section 907.9, discharged
5 5 from parole or work release under section 906.15, or who is
5 6 released from confinement under section 902.6 because the
5 7 person has completed the person's term of confinement shall
5 8 have the right to register to vote and to vote restored in the
5 9 manner provided in this section.

5 10 2. Upon complete discharge from criminal sentence,
5 11 including any accompanying term of probation, parole, or
5 12 supervised release, the department of corrections or judicial
5 13 district department of correctional services, whichever
5 14 is applicable, shall provide written notice to the inmate,
5 15 parolee, or probationer of the person's discharge which
5 16 shall include a voter registration form and a statement that
5 17 the person's right to register to vote and to vote has been
5 18 restored.

5 19 3. The department of corrections shall monthly provide a
5 20 list of all persons discharged from confinement or supervision
5 21 to the state registrar of voters who shall provide the
5 22 information to the county registrars of voters as deemed
5 23 necessary.

5 24 4. Offenders may still make application for a restoration
5 25 of citizenship rights pursuant to this chapter. All such
5 26 applications, unless withdrawn, shall be processed as required
5 27 by this chapter.

5 28 5. This section shall not relieve an offender of any
5 29 unpaid restitution, fine, or other obligation resulting from
5 30 conviction.

5 31 Sec. 15. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
5 32 APPLICABILITY. This Act, being deemed of immediate importance,
5 33 takes effect upon enactment and applies retroactively to
5 34 January 14, 2011.

5 35	EXPLANATION
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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate File 343 - Introduced continued

6 1 This bill requires that, upon the complete discharge from
6 2 certain criminal sentences, citizenship rights related to
6 3 voting and qualification for public office, must be restored.
6 4 The bill requires that the right to register to vote and to
6 5 vote be restored for any individual who has been completely
6 6 discharged from criminal sentence, including any accompanying
6 7 term of probation, parole, or supervised release. The
6 8 restoration of citizenship rights provided for under the bill
6 9 shall only extend to the right to register to vote and to vote,
6 10 and would not include any other citizenship rights. The bill
6 11 would not relieve the individual of unpaid restitution, fines,
6 12 or other obligations resulting from conviction within the
6 13 terms or conditions of a criminal sentence. The bill will not
6 14 limit an individual's ability to apply to the governor for a
6 15 restoration of citizenship rights.
6 16 The bill requires that the department of corrections notify
6 17 the state registrar of voters upon the complete discharge of
6 18 criminal sentence for an individual. The bill requires that,
6 19 where applicable, the judicial district department make the
6 20 notification.
6 21 The bill takes effect upon enactment and applies
6 22 retroactively to January 14, 2011.

LSB 2173SS (3) 84

aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 344 - Introduced

SENATE FILE
BY BLACK

A BILL FOR

1 An Act relating to the duties of the department of human
2 services when serving as a guardian or conservator.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2554XS (3) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate File 344 - Introduced continued

PAG LIN

1 1 Section 1. Section 633.635, subsection 1, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. Of. If the guardian is the department
1 4 of human services and the ward is removed from the ward's
1 5 residence, the department shall provide an affidavit to the
1 6 ward's family concerning the department's actions relating to
1 7 the removal and including a detailed inventory of the ward's
1 8 clothing, furniture, vehicle, and other personal effects at the
1 9 time of removal and their current status.
1 10 Sec. 2. Section 633.641, Code 2011, is amended by adding the
1 11 following new unnumbered paragraph:
1 12 NEW UNNUMBERED PARAGRAPH If the conservator is the
1 13 department of human services and the ward is removed from the
1 14 ward's residence, the department shall provide an affidavit to
1 15 the ward's family concerning the department's actions relating
1 16 to the removal and including a detailed inventory of the ward's
1 17 clothing, furniture, vehicle, and other personal effects at the
1 18 time of removal and their current status.
1 19 EXPLANATION
1 20 This bill relates to the duties of the department of human
1 21 services when serving as a guardian or conservator by amending
1 22 Code section 633.635, relating to the responsibilities of a
1 23 guardian, and Code section 633.641, relating to the duties of
1 24 a conservator.
1 25 If the department is serving as a guardian or conservator and
1 26 the ward is removed from the ward's residence, the department
1 27 is required to provide an affidavit to the ward's family
1 28 concerning the department's actions relating to the removal
1 29 and including a detailed inventory of the ward's clothing,
1 30 furniture, vehicle, and other personal effects at the time of
1 31 removal and their current status.

LSB 2554XS (3) 84

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1163

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to the demonstration of proficiency by students
2 receiving competent private instruction for purposes of
3 senior year plus program eligibility.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2458XC (3) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1163 continued

PAG LIN

1 1 Section 1. Section 261E.3, subsection 1, paragraph e, Code
1 2 2011, is amended to read as follows:

1 3 e. The student shall have demonstrated proficiency in
1 4 reading, mathematics, and science as evidenced by achievement
1 5 scores on the latest administration of the state assessment for
1 6 which scores are available and as defined by the department.

1 7 However, a student receiving competent private instruction
1 8 under chapter 299A may demonstrate proficiency as evidenced
1 9 by a selection index, which is the sum of the critical
1 10 reading, mathematics, and writing skills assessments, of one
1 11 hundred forty=one on the preliminary scholastic aptitude
1 12 test administered by the college board; a composite score
1 13 of at least twenty=one on the college readiness assessment
1 14 administered by ACT, inc.; or a sum of the critical reading
1 15 and mathematics scores of at least nine hundred ninety on the
1 16 college readiness assessment administered by the college board.

1 17 If a student is not proficient in one or more of the content
1 18 areas listed in this paragraph, has not taken the college
1 19 readiness assessments identified in this paragraph, or has not
1 20 achieved the scores specified in this paragraph, the school

1 21 board may establish alternative but equivalent qualifying
1 22 performance measures including but not limited to additional
1 23 administrations of the state assessment, portfolios of student
1 24 work, student performance rubric, or end=of=course assessments.

1 25 EXPLANATION

1 26 This bill provides that a student who is receiving competent
1 27 private instruction may demonstrate the proficiency required to
1 28 ensure student readiness for postsecondary coursework under the
1 29 senior year plus program eligibility requirements by providing
1 30 evidence that the student achieved a composite ACT score of at
1 31 least 21, a sum of the SAT critical reading and mathematics
1 32 scores of at least 990, or a PSAT selection index of 141.

1 33 The bill also provides that if a student has not taken
1 34 the ACT, PSAT, or SAT, or has not achieved the required
1 35 minimum scores, the school board may establish alternative but



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1163 continued

2 1 equivalent qualifying performance measures, including but not
2 2 limited to additional administrations of the state assessment,
2 3 portfolios of student work, student performance rubric, or
2 4 end-of-course assessments.

LSB 2458XC (3) 84

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1164

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to the use of certain revenues resulting
2 from the physical plant and equipment levies and including
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2584XC (4) 84

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1164 continued

PAG LIN

1 1 Section 1. Section 298.3, subsection 1, paragraph c, Code
1 2 2011, is amended to read as follows:

1 3 c. The purchase, lease, or lease=purchase of ~~a single unit~~
~~1 4 of equipment or technology exceeding five hundred dollars in~~
1 5 value per ~~unit~~ purchase, lease, or lease=purchase transaction.
1 6 Each transaction may include multiple equipment or technology
1 7 units.

1 8 Sec. 2. Section 298.3, subsection 1, Code 2011, is amended
1 9 by adding the following new paragraph:

1 10 NEW PARAGRAPH. n. The purchase, lease, or lease=purchase of
1 11 desks, furniture, or fixtures exceeding five hundred dollars in
1 12 value per purchase, lease, or lease=purchase transaction. Each
1 13 transaction may include multiple desk, furniture, or fixture
1 14 units.

1 15 Sec. 3. APPLICABILITY. This Act applies to school budget
1 16 years beginning on or after July 1, 2011.

1 17 EXPLANATION

1 18 This bill amends the purposes for which revenues from the
1 19 physical plant and equipment levies may be expended. The bill
1 20 provides that revenues may be used for the purchase, lease,
1 21 or lease=purchase of equipment or technology exceeding \$500
1 22 in value per purchase, lease, or lease=purchase transaction.
1 23 The bill allows each transaction to include multiple equipment
1 24 or technology units. Current law requires each equipment or
1 25 technology unit to have a cost exceeding \$500.

1 26 The bill also allows the use of such revenues for the
1 27 purchase, lease, or lease=purchase of desks, furniture, or
1 28 fixtures exceeding \$500 in value per purchase, lease, or
1 29 lease=purchase transaction. The bill allows each transaction
1 30 to include multiple desk, furniture, or fixture units.

1 31 The bill applies to school budget years beginning on or after
1 32 July 1, 2011.

LSB 2584XC (4) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to certain forms of gambling, including horse
2 racing, pari-mutuel wagering, gambling games, and intrastate
3 internet poker, creating regulatory and tax structures, and
4 providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2322SC (7) 84
aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

PAG LIN

1 1 DIVISION I
1 2 HORSE RACING
1 3 Section 1. Section 99D.7, Code 2011, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 2A. To adopt standards regarding the
1 6 duration of thoroughbred and quarter horse racing seasons,
1 7 so that a thoroughbred racing season shall not be less than
1 8 sixty=seven days, and so that a quarter horse racing season
1 9 shall not be less than twenty=six days.
1 10 Sec. 2. Section 99D.7, subsection 4, Code 2011, is amended
1 11 to read as follows:
1 12 4. a. To regulate the purse structure for race meetings
1 13 including establishing a minimum purse.
1 14 b. The commission shall, beginning July 1, 2012, regulate
1 15 the purse structure for all horse racing so that seventy=six
1 16 percent is designated for thoroughbred racing, fifteen and
1 17 one=quarter percent is designated for quarter horse racing, and
1 18 eight and three=quarter percent is designated for standardbred
1 19 racing. The purse moneys designated for standardbred racing
1 20 may only be used to support standardbred harness racing purses
1 21 at county fairs or for the maintenance or repair of harness
1 22 racing tracks at the fairgrounds for such county fairs. The
1 23 horse racetrack in Polk county shall not provide funding to
1 24 support standardbred racing at such county fairs that is not
1 25 otherwise provided for in this paragraph.
1 26 Sec. 3. Section 99D.11, subsection 2, Code 2011, is amended
1 27 to read as follows:
1 28 2. Licensees shall only permit the pari=mutuel or
1 29 certificate method of wagering, or the advanced deposit method
1 30 of wagering, as defined in this section.
1 31 Sec. 4. Section 99D.11, subsection 3, Code 2011, is amended
1 32 to read as follows:
1 33 3. The licensee may receive wagers of money only from a
1 34 person present in a licensed racetrack enclosure on a horse
1 35 or dog in the race selected by the person making the wager



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

2 1 to finish first in the race or from a person engaging in
2 2 advanced deposit wagering as defined in this section. The
2 3 person wagering shall acquire an interest in the total money
2 4 wagered on all horses or dogs in the race as first winners in
2 5 proportion to the amount of money wagered by the person.
2 6 Sec. 5. Section 99D.11, subsection 6, paragraph a, Code
2 7 2011, is amended to read as follows:
2 8 a. All wagering shall be conducted within the racetrack
2 9 enclosure where the licensed race is held, except as provided
2 10 in ~~paragraph~~ paragraphs "b" and "c".
2 11 Sec. 6. Section 99D.11, subsection 6, Code 2011, is amended
2 12 by adding the following new paragraph:
2 13 NEW PARAGRAPH. c. (1) The commission shall authorize the
2 14 licensee to conduct advanced deposit wagering. An advanced
2 15 deposit wager may be placed in person at a licensed racetrack
2 16 enclosure, or from any other location via a telephone=type
2 17 device or any other electronic means.
2 18 (2) For the purposes of this section, "advanced deposit
2 19 wagering" means a method of pari=mutuel wagering in which an
2 20 individual may establish an account, deposit money into the
2 21 account, and use the account balance to pay for pari=mutuel
2 22 wagering. Of the net revenue received through advanced deposit
2 23 wagering, fifty percent shall be directed to horse purses
2 24 created pursuant to section 99D.7, subsection 4, and fifty
2 25 percent shall be directed to the licensee for the pari=mutuel
2 26 horse racetrack located in Polk county.
2 27 Sec. 7. Section 99D.22, subsection 1, Code 2011, is amended
2 28 to read as follows:
2 29 1. a. A licensee shall hold at least one race on each
2 30 racing day limited to Iowa=foaled horses or Iowa=whelped
2 31 dogs as defined by the department of agriculture and land
2 32 stewardship using standards consistent with this section.
2 33 However, if sufficient competition cannot be had among that
2 34 class of horses or dogs on any day, another race for the day may
2 35 be substituted.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

3 1 b. A sum equal to twelve percent of the purse won by
3 2 an Iowa=foaled horse or Iowa=whelped dog shall be used to
3 3 promote the horse and dog breeding industries. The twelve
3 4 percent shall be withheld by the licensee from the breakage
3 5 and shall be paid at the end of the race meeting to the state
3 6 department of agriculture and land stewardship which in turn
3 7 shall deposit it in a special fund to be known as the Iowa horse
3 8 and dog breeders fund. The department shall pay the amount
3 9 deposited in the fund that is withheld from the purse won by
3 10 an Iowa=foaled horse to the breeder of the winning Iowa=foaled
3 11 horse by December 31 of each calendar year. The department
3 12 shall pay the amount deposited in the fund that is withheld
3 13 from the purse won by an Iowa=whelped dog to the breeder of the
3 14 winning Iowa=whelped dog by March 31 of each calendar year.
3 15 For the purposes of this section, the breeder of a horse shall
3 16 be considered to be the owner of the brood mare at the time the
3 17 foal is dropped.

3 18 c. No less than twenty percent of all net purse moneys
3 19 distributed to each breed, as described in section 99D.7,
3 20 subsection 4, paragraph "b", shall be designated for registered
3 21 Iowa=bred foals in the form of breeder's awards or purse
3 22 supplement awards to enhance and foster the growth of the horse
3 23 breeding industry.

3 24 Sec. 8. Section 99F.6, subsection 4, paragraph a, Code 2011,
3 25 is amended to read as follows:

3 26 a. (1) Before a license is granted, the division of
3 27 criminal investigation of the department of public safety
3 28 shall conduct a thorough background investigation of the
3 29 applicant for a license to operate a gambling game operation
3 30 on an excursion gambling boat. The applicant shall provide
3 31 information on a form as required by the division of criminal
3 32 investigation.

3 33 (2) A qualified sponsoring organization licensed to operate
3 34 gambling games under this chapter shall distribute the receipts
3 35 of all gambling games, less reasonable expenses, charges,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

4 1 taxes, fees, and deductions allowed under this chapter, as
4 2 winnings to players or participants or shall distribute the
4 3 receipts for educational, civic, public, charitable, patriotic,
4 4 or religious uses as defined in section 99B.7, subsection 3,
4 5 paragraph "b". However, a licensee to conduct gambling games
4 6 under this chapter shall, unless an operating agreement for an
4 7 excursion gambling boat otherwise provides, distribute at least
4 8 three percent of the adjusted gross receipts for each license
4 9 year for educational, civic, public, charitable, patriotic,
4 10 or religious uses as defined in section 99B.7, subsection 3,
4 11 paragraph "b". However, if a licensee who is also licensed to
4 12 conduct pari-mutuel wagering at a horse racetrack has unpaid
4 13 debt from the pari-mutuel racetrack operations, the first
4 14 receipts of the gambling games operated within the racetrack
4 15 enclosure less reasonable operating expenses, taxes, and fees
4 16 allowed under this chapter shall be first used to pay the
4 17 annual indebtedness.

4 18 (3) The commission shall authorize, subject to the debt
4 19 payments for horse racetracks and the provisions of paragraph
4 20 "b" for dog racetracks, a licensee who is also licensed to
4 21 conduct pari-mutuel dog or horse racing to use receipts from
4 22 gambling games within the racetrack enclosure to supplement
4 23 purses for races particularly for Iowa-bred horses pursuant to
4 24 an agreement which shall be negotiated between the licensee and
4 25 representatives of the dog or horse owners. For agreements
4 26 subject to commission approval concerning purses for horse
4 27 racing beginning on or after January 1, 2006, ~~and ending~~
~~4 28 before January 1, 2021,~~ the agreements shall provide that
4 29 total annual purses for all horse racing shall be no less than
4 30 eleven percent of the first two hundred million dollars of net
4 31 receipts, and six percent of net receipts above two hundred
4 32 million dollars. In addition, live standardbred horse racing
4 33 shall not be featured at the horse racetrack in Polk county.

4 34 Agreements that are subject to commission approval concerning
4 35 horse purses for a ~~particular~~ period of time beginning on or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

5 1 after January 1, 2006, ~~and ending before January 1, 2021,~~ shall
5 2 be jointly submitted to the commission for approval.

5 3 (4) A qualified sponsoring organization shall not make a
5 4 contribution to a candidate, political committee, candidate's
5 5 committee, state statutory political committee, county
5 6 statutory political committee, national political party, or
5 7 fund-raising event as these terms are defined in section
5 8 68A.102. The membership of the board of directors of a
5 9 qualified sponsoring organization shall represent a broad
5 10 interest of the communities.

5 11 (5) For purposes of this paragraph, "net receipts" means the
5 12 annual adjusted gross receipts from all gambling games less the
5 13 annual amount of money pledged by the owner of the facility to
5 14 fund a project approved to receive vision Iowa funds as of July
5 15 1, 2004.

5 16 DIVISION II

5 17 COUNTY REFERENDUMS AND

5 18 GAMBLING GAME LICENSING

5 19 Sec. 9. Section 99F.4A, subsection 8, paragraph a, Code
5 20 2011, is amended to read as follows:

5 21 a. The commission shall, upon the immediate payment
5 22 of the applicable table games license fee and submission
5 23 to the commission by June 1, 2005, of an application by a
5 24 licensee of a pari-mutuel dog or horse racetrack licensed to
5 25 conduct gambling games at a pari-mutuel racetrack enclosure,
5 26 issue a license to the licensee to conduct table games of
5 27 chance, including video machines that simulate table games
5 28 of chance, at the pari-mutuel racetrack enclosure subject to
5 29 the requirements of this subsection. However, a table games
5 30 license may only be issued to a licensee required to pay a
5 31 table games license fee of three million dollars under this
5 32 subsection if the licensee, and all other licensees of an
5 33 excursion gambling boat in that county, file an agreement
5 34 with the commission authorizing the granting of a table games
5 35 license under this subsection and permitting all licensees



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

6 1 of an excursion gambling boat to operate a moored barge as
6 2 of a specific date. The licensee shall be granted a table
6 3 games license by the commission ~~without conducting a separate~~
~~6 4 referendum authorizing table games~~ upon payment of the
6 5 applicable license fee to the commission which table games
6 6 license fee may be offset by the licensee against taxes imposed
6 7 on the licensee by section 99F.11, to the extent of twenty
6 8 percent of the table games license fee paid pursuant to this
6 9 subsection for each of five consecutive fiscal years beginning
6 10 with the fiscal year beginning July 1, 2008. Fees paid
6 11 pursuant to this subsection are not refundable to the licensee.
6 12 A licensee shall not be required to pay a fee to renew a table
6 13 games license issued pursuant to this subsection. Moneys
6 14 collected by the commission from a table games license fee paid
6 15 under this subsection shall be deposited in the rebuild Iowa
6 16 infrastructure fund created in section 8.57.

6 17 Sec. 10. Section 99F.7, subsection 11, Code 2011, is amended
6 18 by striking the subsection.

6 19 Sec. 11. Section 99F.7, subsection 15, Code 2011, is amended
6 20 to read as follows:

6 21 15. If a licensed excursion boat stops at more than one
6 22 harbor and travels past a county without stopping at any port
6 23 in that county, the commission shall require the excursion boat
6 24 operator to develop a schedule for ports of call ~~in which a~~
~~6 25 county referendum has been approved, and the port of call has~~
~~6 26 that have~~ the necessary facilities to handle the boat. The
6 27 commission may limit the schedule to only one port of call per
6 28 county.

6 29 DIVISION III

6 30 INTERNET POKER

6 31 Sec. 12. NEW SECTION. 99H.1 Internet poker ==== purpose.

6 32 1. This chapter may be cited as the "Iowa Internet Poker
6 33 Consumer Protection and Revenue Generation Act of 2011".

6 34 2. It is the purpose of this chapter to create a framework
6 35 for the state to regulate intrastate internet poker in order to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

7 1 ensure consumer protections and provide to the state additional
7 2 revenue that otherwise escapes Iowa taxation, by authorizing,
7 3 creating, and implementing a licensing and regulatory structure
7 4 and system of intrastate internet poker to do all of the
7 5 following:

7 6 a. Provide that intrastate internet poker is only offered
7 7 for play in a manner that is lawful under the federal Unlawful
7 8 Internet Gambling Enforcement Act of the federal Security and
7 9 Accountability for Every Port Act of 2006, Pub. L. No. 109=347,
7 10 which authorizes a state to regulate and conduct intrastate
7 11 internet gambling, such as poker.

7 12 b. Provide a new source of revenue that will generate
7 13 economic benefits to the state through the authorization of
7 14 lawful and regulated intrastate internet poker in Iowa instead
7 15 of allowing economic benefits to flow to unregulated foreign
7 16 operators and markets.

7 17 c. Create a contractual relationship between licensed
7 18 affiliates and an internet poker hub operator with the
7 19 technical expertise to ensure that wagering authorized by this
7 20 chapter is only offered to registered players who are at least
7 21 twenty=one years of age and physically present within the
7 22 borders of this state at the time of play.

7 23 d. Ensure that the internet poker hub operator is qualified
7 24 to be licensed by the state and to meet all statutory,
7 25 regulatory, and contractual requirements of the state while
7 26 protecting registered poker players.

7 27 e. Allow a licensee authorized to conduct gambling games
7 28 on or in an excursion gambling boat, gambling structure, or
7 29 racetrack enclosure to become an affiliate of the internet
7 30 poker hub operator.

7 31 f. Ensure that the state is able to collect all taxes and
7 32 fees from the play of intrastate internet poker.

7 33 g. Create a system to protect each registered player's
7 34 private information and prevent fraud and identity theft and
7 35 ensure that the registered player's financial transactions are



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

8 1 processed in a secure and transparent fashion.
8 2 h. Ensure that the regulatory agency has unlimited access
8 3 to the premises and records of the internet poker hub operator
8 4 and affiliates to ensure strict compliance with its regulations
8 5 concerning credit authorization, account access, and other
8 6 security provisions.
8 7 i. Require the internet poker hub operator to provide
8 8 accessible customer service to registered players.
8 9 j. Require the internet poker hub operator's internet site
8 10 to contain information relating to problem gambling, including
8 11 a telephone number that an individual may call to seek
8 12 information and assistance for a potential gambling addiction.
8 13 Sec. 13. NEW SECTION. 99H.2 Definitions.
8 14 As used in this chapter, unless otherwise required by the
8 15 context:
8 16 1. "Adjusted gross receipts" means the total amount of
8 17 money received by the internet poker affiliates from registered
8 18 players for participation in authorized games less winnings
8 19 paid to registered players.
8 20 2. "Affiliate" means an operator licensed under chapter 99D
8 21 or 99F that maintains an internet site as a portal into the
8 22 state internet poker network.
8 23 3. "Authorized game" means a game or series of games of
8 24 poker which are played as a nonbanking game on the state
8 25 internet poker network.
8 26 4. "Commission" means the Iowa racing and gaming commission.
8 27 5. "Convicted" means having been found guilty, regardless of
8 28 adjudication, as a result of a jury verdict, nonjury trial, or
8 29 entry of a plea of guilty or nolo contendere.
8 30 6. "Internet poker hub operator" or "poker hub operator"
8 31 means a computer system operator that is licensed by the state
8 32 and contracts with the state to operate the state internet
8 33 poker network.
8 34 7. "Intrastate internet poker" means authorized games of
8 35 poker played over the internet by registered players who are



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

9 1 physically present within the borders of this state at the time
9 2 of play.

9 3 8. "Nonbanking game" means an authorized game in which an
9 4 internet poker hub operator or affiliate is not a participant
9 5 and has no financial stake in the outcome of the authorized
9 6 game.

9 7 9. "Player incentives" means any bonuses, rewards, prizes,
9 8 or other types of promotional items provided to a registered
9 9 player by an internet poker hub operator or affiliate as an
9 10 incentive to begin or continue playing on the state internet
9 11 poker network.

9 12 10. "Rake" means a set fee or percentage of the pot
9 13 assessed by an internet poker hub operator for providing the
9 14 internet poker services to registered players for the right to
9 15 participate in an authorized game conducted by the internet
9 16 poker hub operator or affiliates.

9 17 11. "Registered player" means a person who is registered
9 18 with an affiliate to participate in an authorized game
9 19 conducted on the state internet poker network.

9 20 12. "State internet poker network" means the computer system
9 21 operated by the internet poker hub operator and affiliates that
9 22 authorizes the playing of and wagering on intrastate internet
9 23 poker by registered players through the internet site portals
9 24 of affiliates.

9 25 13. "Tournament fee" means a set fee assessed to registered
9 26 players by the internet poker hub operator for providing the
9 27 internet poker tournament services.

9 28 Sec. 14. NEW SECTION. 99H.3 Intrastate internet poker
9 29 authorized.

9 30 1. Under the federal Unlawful Internet Gambling Enforcement
9 31 Act of the federal Security and Accountability for Every Port
9 32 Act of 2006, Pub. L. No. 109=347, a state is authorized to
9 33 regulate and conduct intrastate internet poker as long as all
9 34 players and the internet wagering activities are located within
9 35 the state.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

10 1 2. Notwithstanding any other provision of law, a person may
10 2 operate a state internet poker network as an internet poker hub
10 3 operator and a person may participate as a registered player in
10 4 an authorized game or tournament provided on the state internet
10 5 poker network by an affiliate if such game or tournament and
10 6 poker operations are conducted strictly in accordance with the
10 7 provisions of this chapter and federal law.

10 8 Sec. 15. NEW SECTION. 99H.4 Authority of the commission.
10 9 The commission shall regulate the operation of the state
10 10 internet poker network, the internet poker hub operator, the
10 11 affiliates, and the play of intrastate internet poker under
10 12 this chapter and rules adopted pursuant to this chapter. The
10 13 commission may do all of the following:

10 14 1. Adopt rules related to intrastate internet poker,
10 15 including but not limited to rules governing all of the
10 16 following:

10 17 a. The issuance of operator and individual occupational
10 18 licenses to an internet poker hub operator, affiliates, and
10 19 their employees.

10 20 b. The operation of the state internet poker network and
10 21 technical system requirements.

10 22 c. Security of the financial information of registered
10 23 players and registered player accounts.

10 24 d. Bonuses, awards, promotions, and other incentives to
10 25 registered players.

10 26 e. Recordkeeping and reporting requirements.

10 27 f. The distribution of intrastate internet poker income.

10 28 g. The imposition and collection of all fees and taxes
10 29 imposed by this chapter.

10 30 2. Conduct investigations and monitor operation of the
10 31 state internet poker network and the playing of authorized
10 32 games on the state internet poker network.

10 33 3. Review the books, accounts, and records of any current or
10 34 former internet poker hub operator or affiliate.

10 35 4. Suspend or revoke any license or permit, after hearing,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

11 1 for any violation of this chapter or the rules adopted pursuant
11 2 to this chapter.

11 3 5. Take testimony, issue summons and subpoenas for any
11 4 witness, and issue subpoenas duces tecum in connection with any
11 5 matter within its jurisdiction.

11 6 6. Monitor and ensure proper collection of taxes and fees
11 7 imposed by this chapter.

11 8 7. Require the internet poker hub operator to adopt internal
11 9 controls to ensure no compromise of revenue to the state.

11 10 8. Monitor, audit, and verify the cash flow and accounting
11 11 of state internet poker network revenue for any given operating
11 12 day.

11 13 9. Monitor and ensure that the playing of intrastate
11 14 internet poker is conducted fairly and that all personal
11 15 and financial information provided by registered players is
11 16 protected by the internet poker hub operator.

11 17 Sec. 16. NEW SECTION. 99H.5 Internet poker hub operator ====
11 18 license required.

11 19 1. A person shall not operate as the internet poker hub
11 20 operator in this state unless the person holds a valid internet
11 21 poker hub operator license issued under this section.

11 22 2. Only a person holding a valid intrastate internet
11 23 poker license issued by the commission may provide intrastate
11 24 internet poker for play to registered players.

11 25 3. An internet poker hub operator must be an entity
11 26 authorized to conduct business in this state.

11 27 4. A person seeking a license or renewal of a license
11 28 to operate as the internet poker hub operator shall
11 29 make application on forms prescribed by the commission.
11 30 Applications for an internet poker hub operator license
11 31 shall contain all of the information the commission, by
11 32 rule, determines is required to ensure eligibility under this
11 33 section.

11 34 5. As a condition of licensure and to maintain continued
11 35 authority to conduct intrastate internet poker, an internet



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

12 1 poker hub operator licensee must provide the documentation
12 2 required under this section on a timely basis to the commission
12 3 and the documentation must be appropriate, current, and
12 4 accurate.

12 5 Sec. 17. NEW SECTION. 99H.6 Selection of an internet poker
12 6 hub operator ==== negotiated agreement.

12 7 The commission shall, subject to agreement by a majority of
12 8 licensed affiliates, select an internet poker hub operator that
12 9 meets the licensure and technical requirements and expertise
12 10 to provide services for lawful intrastate internet poker and
12 11 authorized games in Iowa. The applicant must demonstrate
12 12 the ability to ensure that intrastate internet poker is only
12 13 offered to registered players who are at least twenty=one years
12 14 of age and who are physically present within the borders of
12 15 this state at the time of play.

12 16 Sec. 18. NEW SECTION. 99H.7 Internet poker hub operator
12 17 ==== qualifications.

12 18 For the purposes of this chapter, the commission shall
12 19 consider all of the following as minimum qualifications to
12 20 determine whether an internet poker hub operator applicant
12 21 together with an applicant's proposed subcontractor is legally,
12 22 technically, and financially qualified to become the state's
12 23 internet poker hub operator:

12 24 1. The applicant, and any subcontractor, is an entity
12 25 authorized to conduct business in this state.

12 26 2. The applicant, and any subcontractor, has not in the
12 27 past accepted any wagers of moneys or other consideration on
12 28 any internet gambling activity, including poker, from any Iowa
12 29 resident. However, this subsection does not disqualify an
12 30 applicant or subcontractor who accepts internet pari=mutuel
12 31 wagers from any Iowa resident through a legal internet
12 32 pari=mutuel wagering entity authorized in another state.

12 33 3. The applicant's, and any subcontractor's, executives
12 34 and key employees meet the requirements to obtain intrastate
12 35 internet poker occupational licenses from the commission, as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

13 1 set forth in section 99H.11.

13 2 4. The applicant, any subcontractors, and all entities with
13 3 an ownership interest in the applicant or any subcontractors
13 4 have demonstrated compliance with all federal and state laws in
13 5 the jurisdictions in which they provide services.

13 6 5. The applicant has provided all necessary documentation
13 7 and information relating to all proposed subcontractors of the
13 8 applicant.

13 9 6. The applicant has provided a description of the manner in
13 10 which the applicant will facilitate compliance with all of the
13 11 standards set forth in this chapter, including but not limited
13 12 to all of the following:

13 13 a. Registered player processes and requirements relating
13 14 to intrastate play, age verification, and exclusion of problem
13 15 gamblers.

13 16 b. Network system requirements, including but not limited
13 17 to connectivity, hardware, software, anti-fraud systems, virus
13 18 prevention, data protection, access controls, firewalls,
13 19 disaster recovery, and redundancy.

13 20 c. Gaming systems, including but not limited to hardware
13 21 and software that ensures that games are legal, games are
13 22 independent and fair, game and betting rules are available to
13 23 all registered players, and all data used for the conduct of
13 24 each game is randomly generated and unpredictable.

13 25 d. Ongoing auditing by the commission and accounting
13 26 systems, including but not limited to those for registered
13 27 player accounts, participation fees, distribution of funds to
13 28 registered players, and distribution of revenue to the state.

13 29 7. The applicant has provided all other documentation or
13 30 information that the commission, by rule, has determined is
13 31 required to ensure that the applicant is legally, technically,
13 32 and financially qualified to enter into a contract to become
13 33 the state's internet poker hub operator.

13 34 Sec. 19. NEW SECTION. 99H.8 Annual bond required.

13 35 The holder of a license to be the internet poker hub operator



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

14 1 in this state shall be financially and otherwise responsible
14 2 for the operation of the state internet poker network and
14 3 for the conduct of any employee involved in the operation of
14 4 the state internet poker network. Before the issuance of an
14 5 internet poker hub operator license, a qualified applicant for
14 6 such a license must provide evidence of a surety bond in the
14 7 amount of one million dollars, payable to the state, for each
14 8 year that the licensee is licensed to be the internet poker hub
14 9 operator in this state. The bond shall be issued by a surety or
14 10 sureties authorized to do business in this state and approved
14 11 by the commission. The bond shall guarantee that the internet
14 12 poker hub operator fulfills all financial requirements of the
14 13 contract. Such bond shall be kept in full force and effect by
14 14 an internet poker hub operator during the term of the license.

14 15 Sec. 20. NEW SECTION. 99H.9 Internet poker hub operator
14 16 ==== obligations.

14 17 An internet poker hub operator shall comply with the terms of
14 18 its contract with the state and with all of the following:

14 19 1. The accepted proposal agreed to by the affiliates
14 20 and an internet poker hub operator applicant shall govern
14 21 the interpretation of the contract creating a contractual
14 22 relationship entered into between the affiliates and the
14 23 internet poker hub operator.

14 24 2. The contract between the affiliates and the internet
14 25 poker hub operator is for a five-year period and may be renewed
14 26 for a period equal to the original contract, if agreed to by
14 27 both parties.

14 28 3. The contract between the affiliates and the internet
14 29 poker hub operator may be amended by mutual written agreement
14 30 of the affiliates and the internet poker hub operator.

14 31 4. If this chapter is amended, the internet poker hub
14 32 operator may declare the contract null and void within sixty
14 33 days after the effective date of the amendment and must provide
14 34 at least ninety days' prior written notice to the affiliates of
14 35 such intent; otherwise, the internet poker hub operator agrees



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

15 1 to be bound by the amendments to this chapter enacted after the
15 2 terms of the contract are established.

15 3 5. In the event of commercial infeasibility due to a change
15 4 in federal law rendering the provision of intrastate internet
15 5 poker services illegal, the internet poker hub operator may
15 6 abandon the contract after providing the affiliates with at
15 7 least ninety days' prior written notice of its intent to end
15 8 the contract and a statement explaining its interpretation
15 9 that continuing to provide services under the contract is
15 10 commercially infeasible.

15 11 6. If a dispute arises between the parties to the contract,
15 12 the affiliates or the internet poker hub operator may pursue an
15 13 administrative law or district court remedy interpreting the
15 14 contract and the rights and responsibilities in the contract.

15 15 Sec. 21. NEW SECTION. 99H.10 Excursion gambling boat,
15 16 gambling structure, or racetrack enclosure affiliate license
15 17 required ==== application ==== fees.

15 18 An affiliate license may only be issued to an excursion
15 19 gambling boat or gambling structure operator licensed under
15 20 section 99F.5, or to a racetrack enclosure operator licensed
15 21 under section 99F.4A, who actively operates an excursion
15 22 gambling boat, gambling structure, or racetrack enclosure with
15 23 a minimum of ten tables, complies with all the requirements of
15 24 chapter 99F and the rules adopted pursuant to that chapter, and
15 25 complies with the following requirements:

15 26 1. The affiliate may only provide intrastate internet poker
15 27 for play to registered players through the state internet poker
15 28 network.

15 29 2. After the initial affiliate license is granted, the
15 30 affiliate's application for the renewal of that license shall
15 31 be made in conjunction with the affiliate's renewal application
15 32 for its license issued under section 99F.4A or 99F.5.

15 33 3. A person seeking a license or renewal of a license to
15 34 operate as an affiliate shall make the application on forms
15 35 prescribed by the commission. An application for an affiliate



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

16 1 license shall contain all of the information the commission, by
16 2 rule, determines is required to ensure eligibility.

16 3 4. As a condition of licensure and to maintain continued
16 4 authority for the conduct of intrastate internet poker, the
16 5 affiliate licensee must provide the documentation required
16 6 under this section on a timely basis to the commission and the
16 7 documentation must be appropriate, current, and accurate.

16 8 5. An affiliate licensee shall not sell or lease all or any
16 9 portion of its excursion gambling boat, gambling structure, or
16 10 racetrack enclosure licensed under chapter 99F to any person or
16 11 entity, or contract with any person or entity to operate its
16 12 internet site, conduct marketing or promotional activities, or
16 13 conduct any other aspects of business associated with the play
16 14 of poker under chapter 99F or the play of intrastate internet
16 15 poker under this chapter, that does not meet and comply with
16 16 all requirements and provisions of this chapter and chapter
16 17 99F.

16 18 6. The annual affiliate license fee shall be two hundred
16 19 fifty thousand dollars, payable to the commission.

16 20 7. The commission shall adopt rules regarding affiliate
16 21 licenses and renewals.

16 22 Sec. 22. NEW SECTION. 99H.11 Business and employee
16 23 occupational license required ==== applications ==== fees.

16 24 1. A person employed by or otherwise working for the
16 25 internet poker hub operator or an affiliate in any capacity
16 26 related to and while conducting intrastate internet poker
16 27 operations must hold a valid employee occupational license
16 28 issued by the commission.

16 29 2. The internet poker hub operator or an affiliate shall
16 30 not employ or allow to be employed any person in any capacity
16 31 related to the operation of intrastate internet poker unless
16 32 the person holds a valid employee occupational license.

16 33 3. The internet poker hub operator or affiliate shall
16 34 not contract with, or otherwise do business with, a business
16 35 required to hold a valid intrastate internet poker business



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

17 1 occupational license, unless the business holds such a valid
17 2 license.

17 3 4. A proprietorship, partnership, corporation,
17 4 subcontractor, or other entity must obtain a valid intrastate
17 5 internet poker business occupational license issued by the
17 6 commission to partner with, contract with, be associated
17 7 with, or participate in the conduct of intrastate internet
17 8 poker operations with the internet poker hub operator or an
17 9 affiliate.

17 10 5. The commission shall establish, by rule, a schedule for
17 11 the annual renewal of internet poker hub operator and affiliate
17 12 occupational licenses. Intrastate internet poker occupational
17 13 licenses are not transferable.

17 14 6. A person seeking an intrastate internet poker
17 15 occupational license, or renewal of such a license, shall
17 16 make the application on forms prescribed by the commission
17 17 and include payment of the appropriate application fee. An
17 18 application for an intrastate internet poker occupational
17 19 license shall contain all of the information the commission, by
17 20 rule, determines is required to ensure eligibility under this
17 21 section.

17 22 7. The commission shall adopt rules regarding intrastate
17 23 internet poker occupational licenses and renewals.

17 24 8. Pursuant to rules adopted by the commission, any person
17 25 may apply for and, if qualified, be issued an intrastate
17 26 internet poker occupational license valid for a period of three
17 27 years upon payment of the full occupational license fee for
17 28 each of the three years for which the license is issued. The
17 29 intrastate internet poker occupational license is valid during
17 30 its specified term at the internet poker hub operator or an
17 31 affiliate where intrastate internet poker is authorized to be
17 32 conducted.

17 33 9. The intrastate internet poker occupational license fee
17 34 for initial application and annual renewal shall be determined
17 35 by rule of the commission but shall not exceed fifty dollars



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

18 1 for an occupational license for an employee of the internet
18 2 poker hub operator or an affiliate licensee or one thousand
18 3 dollars for a business occupational license for nonemployees
18 4 of the licensee providing goods or services to an internet
18 5 poker hub operator or an affiliate licensee. Failure to pay
18 6 the required fee constitutes grounds for disciplinary action
18 7 by the commission against the internet poker hub operator or
18 8 an affiliate licensee.
18 9 10. A person holding a valid individual occupational
18 10 license issued by the commission under section 99F.6 is not
18 11 required to obtain an individual employee occupational license
18 12 under this section.
18 13 Sec. 23. NEW SECTION. 99H.12 Business and employee
18 14 occupational license denial, revocation, suspension, limitation,
18 15 or nonrenewal.
18 16 The commission may do all of the following:
18 17 1. Deny an application for, or revoke, suspend, or place
18 18 conditions or restrictions on, a license of an employee or
18 19 business that has been refused a license by any other state
18 20 gaming commission, governmental department, agency, or other
18 21 authority exercising regulatory jurisdiction over gaming in
18 22 another state or jurisdiction.
18 23 2. Deny an application for, or suspend or place conditions
18 24 or restrictions on, a license of any employee or business that
18 25 is under suspension or has unpaid fines in another state or
18 26 jurisdiction.
18 27 3. Deny, suspend, revoke, or refuse to renew any internet
18 28 poker hub operator or affiliate occupational license if the
18 29 applicant for the license or the licensee has violated this
18 30 chapter or the rules of the commission governing the conduct of
18 31 persons connected with the play of intrastate internet poker.
18 32 4. Deny, suspend, revoke, or refuse to renew any internet
18 33 poker hub operator or affiliate occupational license if the
18 34 applicant for the license or the licensee has been convicted
18 35 in this state, in any other state, or under the laws of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

19 1 United States of a capital felony, a felony, or an offense in
19 2 any other state that would be a felony under the laws of this
19 3 state involving arson; trafficking in, conspiracy to traffic
19 4 in, smuggling, importing, conspiracy to smuggle or import, or
19 5 delivery, sale, or distribution of a controlled substance;
19 6 racketeering; or a crime involving a lack of good moral
19 7 character; or the applicant has had a gaming license revoked
19 8 by this state or any other jurisdiction for any gaming-related
19 9 offense.

19 10 5. Deny, revoke, or refuse to renew any internet poker hub
19 11 operator or affiliate occupational license if the applicant
19 12 for the license or the licensee has been convicted of a felony
19 13 or misdemeanor in this state, in any other state, or under the
19 14 laws of the United States if such felony or misdemeanor is
19 15 related to gambling or bookmaking as described in chapter 725.

19 16 Sec. 24. NEW SECTION. 99H.13 Registered players ====
19 17 eligibility.

19 18 1. All registered players must be located within this state
19 19 at the time of play of intrastate internet poker.

19 20 2. A person who has not attained twenty-one years of age
19 21 shall not be a registered player or play intrastate internet
19 22 poker.

19 23 3. The internet poker hub operator and affiliates shall
19 24 exclude from play any person who has submitted a completed
19 25 internet poker self-exclusion form.

19 26 a. The internet poker hub operator and affiliates shall have
19 27 an internet poker self-exclusion form available and accessible
19 28 on the internet site page that is displayed when either of the
19 29 following occur:

19 30 (1) A person opens the internet site page to register as a
19 31 registered player.

19 32 (2) A registered player accesses the first internet site
19 33 page prior to playing.

19 34 b. Upon receipt of a completed internet poker self-exclusion
19 35 form, the affiliate shall immediately provide a copy of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

20 1 the completed form to the internet poker hub operator, each
20 2 affiliate, and the commission. The commission shall ensure
20 3 that all other affiliates exclude the person from the play of
20 4 intrastate internet poker.
20 5 c. The internet poker hub operator and affiliate shall
20 6 retain the original form to identify persons who request to be
20 7 excluded from play.
20 8 d. The internet poker hub operator and affiliate shall
20 9 prominently display a link to the internet site of a
20 10 responsible gaming organization as identified by the commission
20 11 for services related to the prevention of compulsive and
20 12 addictive gambling.
20 13 e. A person shall not bring any action against the internet
20 14 poker hub operator or an affiliate for negligence or any
20 15 other claim if a person who has filled out an internet poker
20 16 self-exclusion form gains access and plays intrastate internet
20 17 poker despite the request to be excluded.
20 18 Sec. 25. NEW SECTION. 99H.14 Intrastate internet poker ====
20 19 authorized games.
20 20 1. In order to offer a specific game of poker for play, the
20 21 internet poker hub operator shall provide the commission with
20 22 all of the following:
20 23 a. A description of any game of poker and the betting rules
20 24 it proposes to offer to registered players.
20 25 b. Documentation relating to development and testing of the
20 26 game's software.
20 27 2. Upon submission of the information required in
20 28 subsection 1, the internet poker hub operator may begin
20 29 offering the game. If the commission does not object to the
20 30 proposed game of poker within thirty days after receipt of
20 31 the submission, the game shall be considered authorized and
20 32 the internet poker hub operator submitting the proposal may
20 33 continue to offer the game to registered players.
20 34 3. Games and betting events shall be operated strictly in
20 35 accordance with the specified game and betting rules.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

21 1 4. The internet poker hub operator shall ensure that the
21 2 authorized games of poker are fair. For each proposed or
21 3 authorized game offered for play, the gaming system shall
21 4 display all of the following information:
21 5 a. The name of the game.
21 6 b. Any restrictions on play.
21 7 c. The rules of the game.
21 8 d. All instructions on how to play.
21 9 e. The unit and total bets permitted.
21 10 f. The registered player's current account balance, which
21 11 shall be updated in real time.
21 12 g. Any other information that the internet poker hub
21 13 operator determines is necessary for the registered player
21 14 to have in real time to compete fairly in the proposed or
21 15 authorized game.
21 16 5. All proposed and authorized game results shall be
21 17 conducted in such a fashion so that data used to create results
21 18 shall be unpredictable such that it is infeasible to predict
21 19 the next occurrence in a game, given complete knowledge of
21 20 the algorithm and hardware generating the sequence, and all
21 21 previously generated numbers.
21 22 6. The internet poker hub operator shall deploy controls and
21 23 technology to ensure the ability to minimize fraud or cheating
21 24 through collusion, such as external exchange of information
21 25 between different players, or any other means.
21 26 a. If the internet poker hub operator becomes aware that
21 27 fraud or cheating is taking place or has taken place, the
21 28 internet poker hub operator shall immediately take steps to
21 29 stop such activities and inform the commission of all relevant
21 30 facts.
21 31 b. The internet poker hub operator shall immediately inform
21 32 the commission of any complaints and investigate whether the
21 33 complaints are true and shall expeditiously act to prevent
21 34 further fraud or collusion from taking place on the state
21 35 internet poker network. The internet poker hub operator shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

22 1 report the results of the investigation in writing to the
22 2 commission within twenty=four hours after the complaint and
22 3 shall continue to report every twenty=four hours until its
22 4 investigation is concluded. This paragraph does not prevent
22 5 the commission from conducting an independent investigation
22 6 or initiating an administrative action to protect registered
22 7 players from fraud and collusion on the state internet poker
22 8 network and does not prohibit a registered player, the internet
22 9 poker hub operator, an affiliate, or the commission from
22 10 reporting suspected criminal activities to law enforcement
22 11 officials.

22 12 c. A registered player shall not bring an action for damages
22 13 against the internet poker hub operator for attempting to
22 14 prevent fraud or cheating if the internet poker hub operator
22 15 can demonstrate that the internet poker hub operator acted to
22 16 prevent such actions as soon as it became aware of them.

22 17 7. If the gaming server or software does not allow a game to
22 18 be completed, the hand shall be voided and all funds relating
22 19 to the incomplete hand shall be returned to the registered
22 20 player's account.

22 21 Sec. 26. NEW SECTION. 99H.15 Registered players accounts.

22 22 1. The internet poker hub operator shall register players
22 23 and establish registered player accounts prior to play and
22 24 shall ensure that personally identifiable information is
22 25 accessible to an individual registered player and to regulators
22 26 but is otherwise secure.

22 27 2. A person shall not participate in any game on the state
22 28 internet poker network unless the person is registered as a
22 29 player and holds an account.

22 30 3. Accounts may be established in person or by mail,
22 31 telephone, or any electronic means.

22 32 4. To register and establish an account, a person must
22 33 provide all of the following registration information:

22 34 a. First name and surname.

22 35 b. Principal residence address.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

23 1 c. Telephone number.
23 2 d. Social security number.
23 3 e. Legal identification or certification to prove that the
23 4 person is at least twenty-one years of age.
23 5 f. Valid electronic mail address.
23 6 g. The source of funds to be used to establish the account
23 7 after the registration process is complete.
23 8 5. An individual shall not register for more than three
23 9 registered player accounts per calendar year. A registered
23 10 player shall not have more than three registered player
23 11 accounts at any time.
23 12 6. Prior to completing the registration process, the
23 13 internet poker hub operator shall explain to the person in a
23 14 conspicuous fashion the privacy policies of the state internet
23 15 poker network, and the person must assent to all of the
23 16 following policies:
23 17 a. Personal identifying information shall not be shared
23 18 with any nongovernment third parties except for licensed
23 19 subcontractors of an internet poker hub operator for the sole
23 20 purpose of permitting registered players to participate in
23 21 games on the state internet poker network or upon receipt of
23 22 a court order to subpoena such information from the internet
23 23 poker hub operator.
23 24 b. All personally identifiable information about registered
23 25 players shall be shared with the commission, and any other
23 26 governmental agency that receives a court order to subpoena
23 27 such information.
23 28 7. The internet poker hub operator shall also require that
23 29 a person agree to the terms of a use agreement applying to
23 30 registered players.
23 31 8. The internet poker hub operator shall provide a
23 32 registered player with the means to update the information
23 33 provided in subsection 4.
23 34 9. The internet poker hub operator may revoke the accounts
23 35 of a registered player for any of the following reasons:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

24 1 a. The registered player provided false information in the
24 2 registration process.
24 3 b. The registered player has not updated registration
24 4 information to keep it current.
24 5 c. The registered player has violated the internet poker hub
24 6 operator's terms of use agreement.
24 7 10. The internet poker hub operator may suspend or revoke
24 8 the account of a registered player if the internet poker hub
24 9 operator suspects the registered player has participated in
24 10 illegal activity on the state internet poker network.
24 11 11. The internet poker hub operator shall establish and
24 12 maintain an account for each registered player. The internet
24 13 poker hub operator shall do all of the following:
24 14 a. Provide a means for a registered player to put funds into
24 15 an account; however, a registered player shall not increase the
24 16 amount in an account after a game has started and before the
24 17 game has been completed.
24 18 b. Maintain records on the balance of each registered
24 19 player's account.
24 20 c. Prohibit a registered player from placing a wager unless
24 21 the registered player's account has sufficient funds to cover
24 22 the amount of the wager.
24 23 d. Not provide credit to a registered player's account
24 24 or act as an agent for a credit provider to facilitate the
24 25 provision of funds.
24 26 e. Provide a means for a registered player to transfer money
24 27 out of the registered player's account.
24 28 12. The internet poker hub operator shall put in place
24 29 other systems that provide registered players with the ability
24 30 to control aspects of their play. Upon registration and at
24 31 each time when a registered player logs onto the state internet
24 32 poker network, the internet poker hub operator shall permit
24 33 the registered player to adjust the registered player's play
24 34 settings to do any of the following:
24 35 a. Set a limit on the deposits that can be made per day.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

25 1 b. Set a limit on the amount that can be wagered within a
25 2 specified period of time.
25 3 c. Set a limit on the losses that may incur within a
25 4 specified period of time.
25 5 d. Set a limit on the amount of time that can be played
25 6 after logging on to the state internet poker network.
25 7 e. Prevent the state internet poker network from allowing
25 8 the registered player to play for a definite or indefinite
25 9 period of time.
25 10 13. During play, in order to assist a registered player to
25 11 decide whether to suspend play, the registered player's screen
25 12 shall do all of the following:
25 13 a. Indicate how long the registered player has been playing.
25 14 b. Indicate the registered player's winnings or losses since
25 15 the time of last logging in.
25 16 c. Give an option to the registered player to end the
25 17 session or return to the game.
25 18 d. Require the registered player to confirm that the
25 19 registered player has read the message.
25 20 Sec. 27. NEW SECTION. 99H.16 Registered players accounts
25 21 ==== records and reports.
25 22 1. The internet poker hub operator shall establish a book
25 23 of accounts, regularly audit, and make all financial records
25 24 available to the commission. The internet poker hub operator
25 25 shall demonstrate that it has a system of maintaining records
25 26 and reports that is readily available to the commission. The
25 27 records and reports shall include all of the following:
25 28 a. Monthly auditable and aggregate financial statements of
25 29 gaming transactions.
25 30 b. Calculation of all fees payable to government.
25 31 c. The identity of registered players.
25 32 d. The balance on a registered player's account at the start
25 33 of a session of play.
25 34 e. The wagers placed on each game time stamped by the games
25 35 server.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

26 1 f. The result of each game time stamped by the games server.
26 2 g. The amount won or lost by a registered player.
26 3 h. The balance on a registered player's account at the end
26 4 of the game.
26 5 2. The internet poker hub operator shall reconcile all
26 6 data log files regarding the registered players' accounts on a
26 7 monthly basis.
26 8 Sec. 28. NEW SECTION. 99H.17 Internet poker hub operator ====
26 9 technical systems.
26 10 1. An internet poker hub operator shall put in place
26 11 technical systems that materially aid the commission
26 12 in fulfilling its regulatory, consumer protection, and
26 13 revenue=raising functions and allow the commission unrestricted
26 14 access to and the right to inspect the technical systems.
26 15 2. The internet poker hub operator shall ensure that the
26 16 state internet poker network is protected from manipulation or
26 17 tampering to affect the random probabilities of winning plays.
26 18 3. The internet poker hub operator shall define and document
26 19 its methodology for all of the following:
26 20 a. The development, implementation, and maintenance of
26 21 gaming software in a manner representative of industry best
26 22 practice standards.
26 23 b. Server connectivity requirements that include all of the
26 24 following:
26 25 (1) Minimum game server connectivity requirements that
26 26 ensure players are protected from losses due to connectivity
26 27 problems.
26 28 (2) The system's ability to recover all transactions
26 29 involving player funds in the event of a failure or
26 30 malfunction.
26 31 (3) Aborted game procedures.
26 32 c. Ability of the system to recover all information required
26 33 for viewing a game interrupted due to loss of connectivity.
26 34 d. Consumer protection requirements.
26 35 e. Responsible advertising, marketing, and promotion



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

27 1 that ensure that registered players are not misled through
27 2 advertising or promotional activities, and ensure that the
27 3 terms and conditions of promotions are followed.
27 4 f. Anti-money laundering controls.
27 5 g. Preventive and detective controls addressing money
27 6 laundering and fraud risks which shall be documented and
27 7 implemented.
27 8 4. The internet poker hub operator shall retain all such
27 9 documentation for at least twelve months.
27 10 Sec. 29. NEW SECTION. 99H.18 Participation fee.
27 11 The internet poker hub operator shall charge a fee or
27 12 a tournament fee to registered players for the right to
27 13 participate in authorized games or tournaments conducted on the
27 14 state internet poker network. The participation fee may be a
27 15 per-hand charge, a flat fee, an hourly rate, or a rake subject
27 16 to the posted maximum amount but shall not be based on the
27 17 amount won by registered players. The fee shall be designated
27 18 and conspicuously posted on the registered player's screen
27 19 prior to the start of each proposed or authorized game.
27 20 Sec. 30. NEW SECTION. 99H.19 Prohibited relationships.
27 21 1. A proprietorship, partnership, corporation,
27 22 subcontractor, or other entity must obtain a valid intrastate
27 23 internet poker business occupational license issued by the
27 24 commission to partner with, contract with, be associated
27 25 with, or participate in the conduct of intrastate internet
27 26 poker operations with the internet poker hub operator or an
27 27 affiliate.
27 28 2. A person employed by or performing any function on behalf
27 29 of the commission shall not do any of the following:
27 30 a. Be an officer, director, owner, or employee of any person
27 31 or entity licensed by the commission.
27 32 b. Have or hold any interest, direct or indirect, in or
27 33 engage in any commerce or business relationship with any person
27 34 licensed by the commission.
27 35 3. An employee of the commission or a relative living in the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

28 1 same household as the employee shall not play at any time on
28 2 the state internet poker network.
28 3 4. An occupational licensee of the internet poker hub
28 4 operator or a relative living in the same household as the
28 5 occupational licensee shall not play at any time on the state
28 6 internet poker network. This subsection does not apply to an
28 7 occupational licensee of an affiliate.
28 8 Sec. 31. NEW SECTION. 99H.20 Prohibited acts ==== penalties.
28 9 1. The internet poker hub operator may conduct any proposed
28 10 or authorized game under section 99H.14 unless specifically
28 11 prohibited by the commission or by this chapter.
28 12 2. A person who has not attained twenty=one years of age
28 13 shall not hold an intrastate internet poker occupational
28 14 license or engage in any game conducted on the state internet
28 15 poker network.
28 16 3. An entity shall not offer intrastate internet poker for
28 17 free or for money or any other consideration to individuals
28 18 present in this state unless the entity can demonstrate that
28 19 it is in compliance with the laws and tax regulations of the
28 20 United States and of this state.
28 21 4. An entity that has accepted any wager of money or other
28 22 consideration on any internet gambling activity, including
28 23 poker, from any Iowa resident is not eligible to apply for
28 24 licensure and participate in intrastate internet poker in this
28 25 state.
28 26 5. Except as otherwise provided by law and in addition to
28 27 any other penalty, a person who knowingly makes or causes to be
28 28 made, or aids, assists, or procures another to make, a false
28 29 statement in any report, disclosure, application, or any other
28 30 document required under this chapter or any rule adopted under
28 31 this chapter is subject to an administrative penalty of up to
28 32 ten thousand dollars.
28 33 6. A person who manipulates or attempts to manipulate
28 34 the outcome, payoff, or operation of the play of intrastate
28 35 internet poker by tampering, collusion, or fraud, or by the use



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

29 1 of any object, instrument, or device, by any means, commits a
29 2 class "C" felony.

29 3 Sec. 32. NEW SECTION. 99H.21 License fees.

29 4 1. Upon the submission of the initial application for an
29 5 internet poker hub operator license and annually thereafter,
29 6 on the anniversary date of the issuance of the initial
29 7 license, the internet poker hub operator licensee shall pay a
29 8 nonrefundable license fee of two hundred fifty thousand dollars
29 9 for the succeeding twelve months of licensure.

29 10 2. Upon submission of the initial application for an
29 11 affiliate license and annually thereafter, as prescribed by
29 12 the commission, the licensee shall pay to the commission a
29 13 nonrefundable license fee of one thousand dollars for the
29 14 succeeding twelve months of licensure.

29 15 3. The license fees required under this section shall
29 16 be considered repayment receipts as defined in section 8.2
29 17 and shall be used by the commission for the regulation,
29 18 investigation, and enforcement of the intrastate internet poker
29 19 provisions under this chapter. These fees shall be accounted
29 20 for separately from taxes or fees paid pursuant to chapters 99D
29 21 and 99F.

29 22 Sec. 33. NEW SECTION. 99H.22 Internet poker hub operator
29 23 ==== advance payment.

29 24 Upon the awarding of a contract to be the internet poker
29 25 hub operator by the affiliates pursuant to its selection under
29 26 section 99H.6, the internet poker hub operator licensee shall
29 27 pay to the commission a nonrefundable payment of three million
29 28 dollars. This payment shall be treated as an advance payment
29 29 to the state by the internet poker hub operator and shall be
29 30 credited against the tax on adjusted gross receipts derived
29 31 from the play of intrastate internet poker.

29 32 Sec. 34. NEW SECTION. 99H.23 Wagering tax on adjusted gross
29 33 receipts.

29 34 For the purposes of this chapter, a tax is imposed on the
29 35 adjusted gross receipts received each fiscal year, applicable



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1165 continued

30 1 to the affiliate as a licensee, in the same manner and at the
30 2 rate described in section 99F.11.
30 3 Sec. 35. NEW SECTION. 99H.24 Rulemaking ==== more than one
30 4 internet hub operator.

30 5 The commission shall adopt rules pursuant to chapter 17A
30 6 relating to the operation and administration of intrastate
30 7 internet poker under this chapter. The commission may also
30 8 adopt rules to allow for the operation and licensing of more
30 9 than one internet hub operator.

30 10 Sec. 36. NEW SECTION. 99H.25 Legislative authority ====
30 11 administration of chapter.

30 12 The general assembly finds and declares that it has
30 13 exclusive authority over the conduct of intrastate internet
30 14 poker in this state. Only the commission and other authorized
30 15 state agencies shall administer this chapter and regulate
30 16 the intrastate internet poker industry in this state,
30 17 including operation of the internet poker hub operator, play
30 18 of authorized games, and the state internet poker network
30 19 authorized in this chapter, as provided by law and as provided
30 20 in rules adopted by the commission.

30 21 EXPLANATION

30 22 This bill relates to gambling establishments within the
30 23 state.

30 24 The bill would allow for gambling games at pari-mutuel
30 25 facilities to be used to supplement racing purses in
30 26 perpetuity. Current law requires that such supplements end
30 27 before 2021.

30 28 The bill requires that the Iowa racing and gaming commission
30 29 adopt standards for the length of the thoroughbred and quarter
30 30 horse racing seasons, so that the thoroughbred racing season
30 31 be not less than 67 days in duration and so that the quarter
30 32 horse racing season be not less than 26 days in duration.
30 33 The bill requires that no less than 20 percent of all net
30 34 purse moneys distributed to each breed must be designated
30 35 for certain purposes to foster the growth of the Iowa horse



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

31 1 breeding industry. The bill also sets requirements for the
31 2 proportionate use of horse purses, so that 76 percent of purse
31 3 funds are designated for thoroughbred races, 15.25 percent of
31 4 purse funds are designated for quarter horse races, and 8.75
31 5 percent of purse funds are designated for standardbred races.
31 6 The bill states that moneys designated for standardbred racing
31 7 can only be used to support harness racing at county fairs.
31 8 The bill also prohibits the horse racetrack in Polk county
31 9 from contributing other funding for such racing that is not
31 10 otherwise provided for under the purse structure designations
31 11 of the bill.
31 12 The bill permits advanced deposit wagering for pari-mutuel
31 13 licensees. The bill would allow for an advanced deposit wager
31 14 to be placed in person at a licensed racetrack enclosure or
31 15 from any other location by telephone or other electronic
31 16 means. In this form of wagering an individual creates an
31 17 account, deposits money into that account, and can use the
31 18 balance within the account for pari-mutuel wagering. The bill
31 19 specifies that 50 percent of the revenue from advanced deposit
31 20 wagering be distributed to certain race purses and the other 50
31 21 percent be directed to the licensee for the pari-mutuel horse
31 22 racetrack in Polk county.
31 23 The bill would prohibit live standardbred horse racing
31 24 by the licensee for the pari-mutuel horse racetrack in Polk
31 25 county.
31 26 The bill eliminates the requirement that county referenda be
31 27 conducted to approve the continued licensing of gambling games
31 28 on excursion boats, in gambling structures, and in racetrack
31 29 enclosures, and makes conforming amendments.
31 30 The bill authorizes the creation of an intrastate internet
31 31 poker network and provides a regulatory structure for its
31 32 implementation, operation, and taxation.
31 33 The bill provides that it may be cited as the "Internet Poker
31 34 Consumer Protection and Revenue Generation Act of 2011". The
31 35 bill states that its purpose is to provide intrastate internet



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

32 1 poker play only in accordance with federal law, provide a
32 2 new source of revenue for the state, create a contractual
32 3 relationship with an internet poker hub operator with certain
32 4 technical expertise, provide for a negotiated agreement between
32 5 the internet poker hub operator and affiliate licensees, allow
32 6 physical gambling facilities to operate affiliate internet
32 7 sites, ensure taxability, protect player information, ensure
32 8 regulatory access to data and information, ensure customer
32 9 service, and provide information on problem gambling.

32 10 The bill defines certain terms used in new Code chapter 99H.

32 11 The bill provides authority over intrastate internet
32 12 poker to the Iowa racing and gaming commission. The bill
32 13 provides that the commission may adopt certain rules, conduct
32 14 investigations, monitor operations, review books and accounts,
32 15 suspend or revoke licenses upon a hearing, take testimony,
32 16 issue summons and certain subpoenas, monitor and ensure
32 17 collection of taxes, monitor and ensure fairness of games
32 18 conducted, and ensure the protection of player information.

32 19 The bill provides for the licensing of an internet poker
32 20 hub operator by the commission. The bill provides that only a
32 21 person holding the internet poker hub operator license issued
32 22 by the commission and certain affiliates can provide intrastate
32 23 internet poker to registered players. The hub operator must
32 24 be authorized to conduct business in the state, must complete
32 25 an application, and must provide all documentation as required
32 26 by the commission.

32 27 The bill provides that the selection of an internet poker hub
32 28 operator must be by a negotiated agreement with the affiliates,
32 29 and requires that the successful applicant demonstrate the
32 30 ability to ensure that players are at least 21 years of age and
32 31 present within the state at the time of play.

32 32 The bill includes other selection qualifications of
32 33 the internet poker hub operator. The applicant and any
32 34 subcontractor must be authorized to conduct business in Iowa
32 35 and must not have accepted certain types of wagers previously.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

33 1 Certain executives or employees of the applicant, and any
33 2 subcontractor, must meet the requirements to obtain an
33 3 intrastate internet poker occupational or business license
33 4 from the commission. The bill does not require here that
33 5 these officers actually obtain such licenses. The applicant,
33 6 subcontractor, and all entities with an ownership interest in
33 7 either must have demonstrated compliance with all federal and
33 8 state laws under which they provide services. The applicant
33 9 must provide certain information on subcontractors and provide
33 10 certain descriptions of how the applicant will comply with the
33 11 standards set under this new Code chapter. The commission may
33 12 by rule require and an applicant must provide any additional
33 13 documentation or information to ensure that an applicant is
33 14 legally, technically, and financially qualified to become the
33 15 state's internet poker hub operator.

33 16 The bill provides for an internet poker hub operator
33 17 license, along with a corresponding application and fees.
33 18 The licensing application requires disclosure of certain
33 19 information related to the applicant and its direct or indirect
33 20 owners. This information includes authorization to conduct
33 21 business in the state, current and historical financial
33 22 information, documents related to legal and regulatory
33 23 proceedings, documents related to business history including
33 24 state and federal tax filings, documents related to the
33 25 nature and sources of financing, documentation of financial
33 26 qualification, and any other information required by the
33 27 commission by rule in order to ensure eligibility.

33 28 The bill requires that internet poker hub operator license
33 29 applicants provide subcontractor information including
33 30 all necessary documentation and information related to
33 31 subcontractors of the internet poker hub operator. This
33 32 information includes but is not limited to a description of
33 33 subcontractor services to be provided, additional subcontractor
33 34 information, and any other information required by the
33 35 commission by rule in order to ensure eligibility.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

34 1 The bill requires that an internet poker hub operator
34 2 license applicant provide a description of how it will
34 3 facilitate compliance with the requirements of the chapter
34 4 related to but not limited to registered player requirements
34 5 including intrastate play, age verification, and exclusion of
34 6 problem gamblers; system requirements including connectivity,
34 7 hardware, software, anti-fraud systems, virus prevention, data
34 8 protection, access controls, firewalls, disaster recovery, and
34 9 redundancy; gaming systems requirements including legality,
34 10 independence and fairness, availability of rules, randomness,
34 11 and unpredictability; and accounting systems requirements
34 12 including player accounts, participation fees, transparency and
34 13 reporting, distribution of revenue, and ongoing auditing.
34 14 The bill requires that before the commission issues an
34 15 internet poker hub operator license, that each qualified
34 16 applicant provide evidence of a surety bond of \$1 million
34 17 payable to the state for each year that the licensee is so
34 18 licensed. The bond shall be held in full force and effect
34 19 during the term of the license.
34 20 The internet poker hub operator must comply with the
34 21 contract between the affiliates and the operator. The contract
34 22 will be for five years and may be renewed for additional
34 23 five-year periods. The contract may be amended by written
34 24 agreement of the affiliates and the operator. If this new
34 25 Code chapter is amended, the operator may declare the contract
34 26 null and void within 60 days after the effective date of the
34 27 amendment. If the operator fails to make such a declaration,
34 28 the operator shall be bound to the requirements of the new Code
34 29 chapter as amended. In the event that a change in federal law
34 30 renders the provisions of intrastate internet poker illegal,
34 31 the operator may abandon the contract after providing the
34 32 affiliates at least 90 days prior written notice explaining its
34 33 interpretation that continuing to provide services under the
34 34 contract is commercially infeasible.
34 35 The bill provides that only those holding a valid excursion



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

35 1 gambling boat, gambling structure, or racetrack enclosure
35 2 affiliate license, also referred to as an affiliate license,
35 3 may provide intrastate internet poker for play to registered
35 4 players through the state internet poker network. The bill
35 5 provides that after an affiliate license is issued that it
35 6 must be renewed in conjunction with its excursion gambling
35 7 boat, gambling structure, or racetrack enclosure license
35 8 respectively. The bill requires that any affiliate application
35 9 be made on forms prescribed by the commission and contain all
35 10 information required by the commission by rule. The applicant
35 11 must provide all documentation required, and shall not sell or
35 12 lease licensed property, or contract with any person or entity
35 13 to operate its internet site unless the individual or entity
35 14 purchasing leasing or contracting with the licensee meets and
35 15 complies with all the requirement of Code chapter 99F and this
35 16 new Code chapter. The annual affiliate license fee shall be
35 17 \$250,000 payable to the commission and the commission shall
35 18 adopt rules related to affiliate licenses.
35 19 The bill requires business and employee occupational
35 20 licenses. The bill requires that any person employed or
35 21 otherwise working for the internet poker hub operator or an
35 22 affiliate must hold a valid occupational license issued by the
35 23 commission. The bill requires that the internet hub operator
35 24 and any affiliate not employ any individual in any capacity
35 25 related to the operation of intrastate internet poker who does
35 26 not hold a valid occupational license. The bill requires that
35 27 an internet hub operator and any affiliate not contract with
35 28 or employ a business required to hold a business occupational
35 29 license which does not hold such a license. The bill
35 30 requires that any proprietorship, partnership, corporation,
35 31 subcontractor, or other entity must obtain a business
35 32 occupational license issued by the commission to conduct
35 33 business with the internet poker hub operator or any affiliate.
35 34 The bill requires the commission to adopt a schedule
35 35 for occupational license renewals and requires that all



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

36 1 occupational licenses be nontransferable. The bill requires
36 2 that one apply for an occupational license or renewal, pay
36 3 an appropriate fee and provide all required information or
36 4 documentation. The commission must adopt rules regarding
36 5 license applications and renewals. Licenses will be valid for
36 6 three years upon payment of a full occupational license fee for
36 7 the three years. The initial employee occupational license
36 8 fee shall not exceed \$50 annually. The initial business
36 9 occupational license fee shall not exceed \$1,000 annually. An
36 10 individual holding a valid individual occupational license
36 11 issued by the commission under Code section 99F.6 is not
36 12 required to obtain a license under this new Code section
36 13 99H.11.

36 14 The bill provides that the commission may deny an
36 15 application for, or revoke, suspend, or place restrictions on,
36 16 a license of any person or entity that was refused a similar
36 17 license elsewhere, that is under suspension or has unpaid fines
36 18 elsewhere, that has violated this new Code chapter or the
36 19 rules adopted by the commission, or that has been convicted of
36 20 certain offenses.

36 21 The bill sets eligibility requirements for registered
36 22 players. The bill requires that a registered player be located
36 23 within the state, be at least 21 years of age, and must not have
36 24 submitted a completed internet poker self-exclusion form. The
36 25 bill provides certain requirements for the creation and use of
36 26 an internet poker self-exclusion form. The bill provides that
36 27 a person shall not bring any action of negligence or any other
36 28 claim resulting from a self-excluded individual gaining access
36 29 to play despite their request to be excluded.

36 30 The bill requires that in order for an internet poker hub
36 31 operator to offer a specific game, the hub operator must
36 32 provide the commission with certain information, including
36 33 a description of the game and documentation related to the
36 34 development and testing of the game. After submission of this
36 35 information, the internet poker hub operator may begin offering



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

37 1 the game and the game shall be considered authorized if not
37 2 disapproved by the commission within 30 days. All games must
37 3 be conducted in accordance with game and betting rules. The
37 4 internet poker hub operator must ensure the fairness of all
37 5 games and must ensure the display of the game's name, any
37 6 restrictions on play, the rules of the game, play instructions,
37 7 unit and total bets permitted, the player's current account
37 8 balance, and any other information deemed necessary by the
37 9 internet poker hub operator.

37 10 The bill requires that all proposed and authorized game
37 11 results be unpredictable even given complete knowledge of
37 12 algorithms and hardware generating sequence, and all previously
37 13 generated numbers. The bill requires the internet poker hub
37 14 operator to take steps to minimize fraud and cheating through
37 15 collusion. The bill requires that if the operator becomes
37 16 aware of fraud or cheating actually taking place, the operator
37 17 must attempt to end those activities and report relevant facts
37 18 to the commission. The operator is required to inform the
37 19 commission of complaints and investigate such complaints. The
37 20 bill limits legal actions against the operator in the event
37 21 that the operator can demonstrate taking action upon becoming
37 22 aware of fraud or cheating. The bill requires that if a server
37 23 or software does not allow a game to be completed, that the
37 24 hand be voided and all funds relating to the incomplete hand
37 25 shall be returned to the registered player's account.

37 26 The bill provides for the creation of registered player
37 27 accounts by the internet poker hub operator. The operator
37 28 must ensure that personally identifiable information is secure
37 29 but accessible to individual players and regulators. The
37 30 bill requires that an individual be a registered player to
37 31 participate in any game on the state internet poker network.
37 32 The bill allows for accounts to be established in person,
37 33 by mail, by telephone, or by electronic means. The bill
37 34 requires that an individual establishing an account provide
37 35 the individual's first name and surname, the address of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

38 1 individual's principal residence, telephone number, social
38 2 security number, proof of age, a valid e-mail address, and the
38 3 source of funds used to establish the account. An individual
38 4 may register up to three registered player accounts per year
38 5 and shall not have more than three registered player accounts
38 6 at any time. The hub operator must conspicuously present its
38 7 privacy policies before such registration may be completed.
38 8 The bill requires that personally identifiable information
38 9 not be shared with any nongovernmental individual or entity
38 10 not acting as a subcontractor. All information will be shared
38 11 with the commission. The hub operator must require that an
38 12 individual agree with the terms of use before the individual
38 13 may become a registered player. The hub operator must provide
38 14 registered players with the means to update their information,
38 15 and may suspend or revoke the accounts of registered players
38 16 for certain reasons. The hub operator must establish and
38 17 maintain an account for each registered player with means of
38 18 placing funds into the account. The bill requires the hub
38 19 operator to maintain certain records, to prohibit certain
38 20 wagers, not provide credit for a player's account, and to
38 21 provide a registered player with the means to transfer money
38 22 out of the player's account. The bill requires the hub
38 23 operator to provide registered players with certain functional
38 24 controls related to their wagering and to provide them with
38 25 certain information related to their play.
38 26 The bill requires the internet poker hub operator to
38 27 establish a book of accounts and make all financial records
38 28 available to the commission. The hub operator must demonstrate
38 29 its system of maintaining records and reports readily available
38 30 to the commission. The records and reports must include
38 31 certain monthly statements, a calculation of fees payable to
38 32 government, the identity of registered players, certain player
38 33 account balances, wagers, and results of each game with time
38 34 stamps. The hub operator must reconcile registered players'
38 35 accounts monthly.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

39 1 The bill provides technical requirements. An internet poker
39 2 hub operator must put in place certain technical systems to
39 3 aid the commission in its regulatory, consumer protection,
39 4 and revenue-raising functions. The operator must ensure
39 5 against tampering or manipulation with relevant systems, and
39 6 both define and document certain methodologies related to
39 7 gaming software, server connectivity, certain game procedures,
39 8 consumer protections, advertising, money-laundering, and
39 9 certain preventive and detective controls.
39 10 The bill provides that the internet hub operator must charge
39 11 certain fees. The bill explicitly prohibits certain employees
39 12 of the commission and employees' relatives living in the same
39 13 household from playing on the state internet poker network.
39 14 The same limitation applies to occupational licensees and their
39 15 relatives. The bill provides additional limits for commission
39 16 employees.
39 17 The bill enumerates certain prohibited acts and provides
39 18 penalties. The bill provides that the internet poker hub
39 19 operator may conduct any proposed game unless prohibited by the
39 20 commission or the new Code chapter. The bill provides that
39 21 a person under the age of 21 shall not hold an occupational
39 22 license or participate in any of these games.
39 23 The bill provides that it is a violation of state law for
39 24 any entity to offer internet poker for free, for money, or
39 25 for any other consideration to individuals within this state
39 26 unless that entity can demonstrate compliance with the laws
39 27 and tax regulations of this state and the United States. The
39 28 bill prohibits any entity that has accepted any wager of money
39 29 or other consideration on any internet gambling activity from
39 30 being eligible to apply for licensure in intrastate internet
39 31 poker in this state.
39 32 The bill provides for an administrative penalty of up to
39 33 \$10,000 to be assessed on any individual who knowingly makes,
39 34 causes to be made, aids, assists, or procures another to make a
39 35 false statement in any report, disclosure, application, or any



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1165 continued

40 1 other document required in this new Code chapter in addition to
40 2 any other penalty, and except as otherwise provided by law.
40 3 The bill creates a class "C" felony for manipulating or
40 4 attempting to manipulate the outcome, payoff, or operation of
40 5 intrastate internet poker by tampering, collusion, fraud, or by
40 6 the use of any object, instrument, or device.
40 7 The bill provides for license fees for the internet poker hub
40 8 operator and affiliates. The hub operator licensee is required
40 9 to pay an annual fee of \$250,000 and the affiliates licensees
40 10 are required to pay an annual fee of \$1,000 each. These fees
40 11 are nonrefundable. The commission is required to use these
40 12 fees to cover costs related to regulating, investigating, and
40 13 enforcing this new Code chapter. The bill further requires
40 14 that these fees be accounted for separately from taxes or fees
40 15 paid pursuant to Code chapters 99D and 99F.
40 16 The bill requires that the selected internet poker hub
40 17 operator licensee pay the commission a nonrefundable \$3 million
40 18 upon being awarded such license. This payment shall be treated
40 19 as an advance payment to the state by the hub operator and this
40 20 payment will be credited against the tax on adjusted gross
40 21 receipts derived from the play of intrastate internet poker.
40 22 For the purposes of the new Code chapter, a tax is imposed
40 23 on the adjusted gross receipts received each fiscal year in
40 24 the same manner and at the rate described in section 99F.11,
40 25 applicable to affiliates as licensees.
40 26 The bill provides the commission with rulemaking authority
40 27 and allows for the operation and licensing of more than one
40 28 internet hub operator. The bill also provides a legislative
40 29 finding that the general assembly has exclusive authority
40 30 over intrastate internet poker. The bill provides that the
40 31 commission and other authorized state agencies must administer
40 32 this new Code chapter and regulate the industry as provided by
40 33 law and by rules adopted by the commission.

LSB 2322SC (7) 84

aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1166

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON DANDEKAR)

A BILL FOR

1 An Act relating to charity beer and wine auctions, by
2 authorizing spirits to be included in an auction.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2473SC (2) 84
rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1166 continued

PAG LIN

1 1 Section 1. Section 123.173A, Code 2011, is amended to read
1 2 as follows:

1 3 123.173A Charity beer, ~~and~~ wine, and spirits auction permit.

1 4 1. For purposes of this section, "authorized nonprofit
1 5 entity" includes a nonprofit entity which has a principal office
1 6 in the state, a nonprofit corporation organized under chapter
1 7 504, or a foreign corporation as defined in section 504.141,
1 8 whose income is exempt from federal taxation under section
1 9 501(c) of the Internal Revenue Code.

1 10 2. An authorized nonprofit entity may, upon application
1 11 to the division and receipt of a charity beer, ~~and~~ wine, and
1 12 spirits auction permit from the division, conduct a charity
1 13 auction which includes beer, ~~and~~ wine, and spirits. The
1 14 application shall specify the date and time when the charity
1 15 beer, ~~and~~ wine, and spirits auction is to be conducted and the
1 16 premises in this state where the charity beer, ~~and~~ wine, and
1 17 spirits auction is to be physically conducted. The applicant
1 18 shall certify that the objective of the charity beer, and wine,
1 19 and spirits auction is to raise funds solely to be used for
1 20 educational, religious, or charitable purposes and that the
1 21 entire proceeds from the charity beer, ~~and~~ wine, and spirits
1 22 auction are to be expended for any of the purposes described in
1 23 section 423.3, subsection 78.

1 24 3. An authorized nonprofit entity shall be eligible to
1 25 receive only two charity beer, ~~and~~ wine, and spirits auction
1 26 permits during a calendar year and each charity beer, ~~and~~ wine,
1 27 and spirits auction permit shall be valid for a period not to
1 28 exceed thirty=six consecutive hours.

1 29 ~~4. The authorized nonprofit entity conducting the charity~~
~~1 30 beer and wine auction shall obtain the beer and wine to be~~
~~1 31 auctioned at the charity beer and wine auction from an Iowa~~
~~1 32 retail beer permittee or an Iowa retail wine permittee, or~~
~~1 33 may receive donations of beer or wine to be auctioned at~~
~~1 34 the charity beer and wine auction from persons who purchased~~
~~1 35 the donated beer or wine from an Iowa retail beer permittee~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

~~Senate Study Bill 1166 continued~~

~~2 1 or an Iowa retail wine permittee and who present a receipt~~
~~2 2 documenting the purchase at the time the beer or wine is~~
~~2 3 donated. The authorized nonprofit entity conducting the~~
~~2 4 charity beer and wine auction shall retain a copy of the~~
~~2 5 receipt for a period of one year from the date of the charity~~
~~2 6 beer and wine auction.~~
2 7 ~~5.~~ 4. Persons shall be physically present at the charity
2 8 beer, ~~and~~ wine, and spirits auction to be eligible to bid on
2 9 beer, ~~and~~ wine, and spirits sold at the charity auction.
2 10 ~~6.~~ 5. The beer, ~~and~~ wine, and spirits sold at the charity
2 11 beer, ~~and~~ wine, and spirits auction shall be in original
2 12 containers for consumption off of the premises where the
2 13 charity beer, ~~and~~ wine, and spirits auction is conducted. No
2 14 other alcoholic beverage may be sold by the charity beer, ~~and~~
2 15 wine, and spirits auction permittee at the charity beer, ~~and~~
2 16 wine, and spirits auction. A purchaser of beer, ~~or~~ wine, or
2 17 spirits at a charity beer, ~~and~~ wine, and spirits auction shall
2 18 not take possession of the beer, ~~or~~ wine, or spirits until the
2 19 person is leaving the event. A purchaser of beer, ~~or~~ wine, or
2 20 spirits at a charity beer, ~~and~~ wine, and spirits auction shall
2 21 not open the container or consume or permit the consumption of
2 22 the beer, ~~or~~ wine, or spirits purchased on the premises where
2 23 the charity beer, ~~and~~ wine, and spirits auction is conducted.
2 24 A purchaser of beer, ~~or~~ wine, or spirits at a charity beer, ~~and~~
2 25 wine, and spirits auction shall not resell the beer, ~~or~~ wine,
2 26 or spirits.
2 27 ~~7.~~ 6. A liquor control licensee, beer permittee, ~~or~~ wine
2 28 permittee, or spirits permittee shall not purchase beer, ~~or~~
2 29 wine, or spirits at a charity beer, ~~and~~ wine, and spirits
2 30 auction. The charity beer, ~~and~~ wine, and spirits auction may
2 31 be conducted on a premises for which a class "B" liquor control
2 32 license or class "C" liquor control license has been issued,
2 33 provided that the liquor control licensee does not participate
2 34 in the charity beer, ~~and~~ wine, and spirits auction, supply
2 35 beer, ~~or~~ wine, or spirits to be auctioned at the charity beer,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1166 continued

3 1 ~~and~~ wine, and spirits auction, or receive any of the proceeds
3 2 of the charity beer, ~~and~~ wine, and spirits auction.
3 3 Sec. 2. Section 123.179, subsection 5, Code 2011, is amended
3 4 to read as follows:
3 5 5. The fee for a charity beer, ~~and~~ wine, and spirits auction
3 6 permit is one hundred dollars.

3 7 EXPLANATION

3 8 Current provisions in Code section 123.173A permit a
3 9 charity beer and wine auction to be conducted by nonprofit
3 10 entities which apply for and are issued a charity beer and
3 11 wine auction permit from the alcoholic beverages division of
3 12 the department of commerce. This bill authorizes spirits to
3 13 be auctioned along with beer and wine. The bill additionally
3 14 deletes current provisions requiring the nonprofit entity to
3 15 obtain the beer and wine to be auctioned from Iowa retail beer
3 16 permittees and wine permittees, or to receive only donations
3 17 of beer or wine to be auctioned from persons who purchased the
3 18 donated beer or wine from Iowa retail beer permittees or wine
3 19 permittees.

LSB 2473SC (2) 84

rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1167

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON DANDEKAR)

A BILL FOR

1 An Act relating to activities of licensed private investigation
2 businesses in regard to abandoned property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2011XC (2) 84
av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1167 continued

PAG LIN

1 1 Section 1. Section 556.11, subsections 8 through 10, Code
1 2 2011, are amended to read as follows:
1 3 8. a. A holder required to file a report under this section
1 4 shall maintain its records containing the information required
1 5 to be included in the report ~~until the holder files the report~~
~~1 6 and for four years after the date of filing, unless a shorter~~
~~1 7 time is provided in paragraph "b" or by rule of the treasurer of~~
~~1 8 state while the property remains unclaimed.~~
1 9 b. A business association that sells, issues, or provides
1 10 to others for sale or issue in this state, traveler's checks,
1 11 money orders, or similar written instruments other than
1 12 third-party bank checks, on which the business association is
1 13 directly liable, shall maintain a record of the instruments
1 14 while they remain outstanding, indicating the state and date of
1 15 issue, ~~for four years after the date of filing.~~
1 16 9. Other than the notice to owners required by subsection 5,
1 17 published notice required by section 556.12, subsection 1, and
1 18 other discretionary means employed by the treasurer of state
1 19 for notifying owners of the existence of abandoned property,
1 20 all information provided in reports shall be confidential,
1 21 unless written consent from the person entitled to the property
1 22 is obtained by the treasurer of state, ~~and may or unless~~
~~1 23 written request is filed with the treasurer of state by a~~
~~1 24 person licensed as a private investigation business located~~
~~1 25 in Iowa pursuant to chapter 80A, excluding a person with a~~
~~1 26 temporary permit received under section 80A.18. Information in~~
~~1 27 reports may also be disclosed only to governmental agencies for~~
1 28 the purposes of returning abandoned property to its owners or
1 29 to those individuals who appear to be the owner of the property
1 30 or otherwise have a valid claim to the property. However,
1 31 a social security number contained in such a report shall be
1 32 maintained as a confidential record and shall be redacted prior
1 33 to the release of any information to a person licensed as a
1 34 private investigation business.
1 35 10. All agreements to pay compensation to recover or assist



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1167 continued

2 1 in the recovery of property reported under this section, made
2 2 within twenty=four months after the date payment or delivery
2 3 is made under section 556.13, are unenforceable. However,
2 4 such agreements made after twenty=four months from the date
2 5 of payment or delivery are valid if the fee or compensation
2 6 agreed upon is not more than ~~fifteen~~ twenty=five percent of the
2 7 recoverable property, the agreement is in writing and signed
2 8 by the owner, and the writing discloses the nature and value
2 9 of the property and the name and address of the person in
2 10 possession. A person shall not attempt to collect or collect a
2 11 fee or compensation for discovering property presumed abandoned
2 12 under this chapter unless the person is licensed as a private
2 13 investigation business located in Iowa pursuant to chapter
2 14 80A, excluding a person with a temporary permit received under
2 15 section 80A.18. This section does not prevent an owner from
2 16 asserting, at any time, that an agreement to locate property
2 17 is based upon excessive or unjust consideration. This section
2 18 does not apply to an owner who has a bona fide fee contract with
2 19 a practicing attorney and counselor as described in chapter
2 20 602, article 10.

2 21 EXPLANATION

2 22 This bill allows licensed private investigation businesses
2 23 located in Iowa to have access, upon request, to information
2 24 provided in reports to the state treasurer by businesses or
2 25 other entities that hold valuables that may be considered
2 26 abandoned. However, the treasurer must maintain social
2 27 security numbers contained in such reports as confidential
2 28 records and redact those numbers prior to the release of such
2 29 information to a licensed private investigation business.
2 30 The bill also requires businesses or other entities holding
2 31 valuables that are required to file reports to maintain their
2 32 records containing the information required to be included
2 33 in the report so long as the property is unclaimed or the
2 34 instrument remains outstanding, instead of for just four years
2 35 after the date of filing the report.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1167 continued

- 3 1 In addition, the amount of the fee that may be charged by an
3 2 Iowa private investigation business is increased from 15 to 25
3 3 percent of the recoverable property.

LSB 2011XC (2) 84

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1168

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON DANDEKAR)

A BILL FOR

1 An Act relating to residential contractors and providing a
2 penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2674SC (2) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1168 continued

PAG LIN

1 1 Section 1. NEW SECTION. 103A.71 Residential contractors.
1 2 1. As used in this section:
1 3 a. "Residential contractor" means a person in the business
1 4 of contracting to repair or replace roof systems or perform
1 5 any other exterior repair, replacement, construction, or
1 6 reconstruction work on residential real estate or a person
1 7 offering to contract with an owner or possessor of residential
1 8 real estate to carry out such work.
1 9 b. "Residential real estate" means a new or existing
1 10 building, including a detached garage, constructed for
1 11 habitation by one to four families.
1 12 c. "Roof system" includes roof coverings, roof sheathing,
1 13 roof weatherproofing, and roof insulation.
1 14 2. A residential contractor shall not advertise or promise
1 15 to pay anything of value or rebate any insurance deductible
1 16 or any portion thereof as an inducement to the sale of goods
1 17 or services. A promise to pay anything of value or rebate
1 18 any insurance deductible includes granting any allowance or
1 19 offering any discount against the fees to be charged or paying
1 20 an insured or a person directly or indirectly associated with
1 21 the property any form of compensation, gift, prize, bonus,
1 22 coupon, credit, referral fee, or other item of monetary value
1 23 for any reason, including but not limited to permitting the
1 24 residential contractor to display a sign or any other type of
1 25 advertisement at the insured's premises.
1 26 3. A person who has entered into a written contract with
1 27 a residential contractor providing goods or services to be
1 28 paid from the proceeds of a property and casualty insurance
1 29 policy may cancel the contract prior to midnight on the fifth
1 30 business day after the person has received written notice from
1 31 the person's insurer that all or part of the claim or contract
1 32 is not a covered loss under the insurance policy. Cancellation
1 33 shall be evidenced by the person giving written notice of the
1 34 cancellation to the residential contractor at the address of
1 35 the residential contractor's place of business as stated in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1168 continued

2 1 the contract. Notice of cancellation given by mail shall be
2 2 effective upon deposit into the United States mail with prepaid
2 3 postage, if properly addressed to the residential contractor.
2 4 Notice of cancellation need not take a particular form, and
2 5 is sufficient if the notice indicates, by any form of written
2 6 expression, the intent of the insured not to be bound by the
2 7 contract.

2 8 4. Before entering into a contract to provide goods or
2 9 services to be paid from the proceeds of a property and
2 10 casualty insurance policy, a residential contractor shall
2 11 provide the insured along with the contract all of the
2 12 following documents in substantially the following form:

2 13 a. The following statement in at least ten=point bold type:

2 14 RIGHT OF CANCELLATION

2 15 You may cancel this contract at any time before midnight
2 16 on the fifth business day after you have received written
2 17 notification from your insurer that all or any part of the
2 18 claim or contract is not a covered loss under your insurance
2 19 policy. See the attached notice of cancellation form for an
2 20 explanation of this right.

2 21 b. A fully completed duplicate form which shall be attached
2 22 to the contract, but easily detachable, and which shall contain
2 23 the following statement in at least ten=point bold type:

2 24 NOTICE OF CANCELLATION

2 25 If you are notified by your insurer that all or any part
2 26 of the claim or contract is not a covered loss under your
2 27 insurance policy, you may cancel the contract by mailing
2 28 or delivering a signed and dated copy of this cancellation
2 29 notice or any other written notice of cancellation to (name of
2 30 contractor) at (address of contractor's place of business) at
2 31 any time prior to midnight on the fifth business day after you
2 32 have received such notice from your insurer. If you cancel the
2 33 contract, any payments made by you under the contract will be
2 34 returned to you within ten business days following receipt by
2 35 the contractor of your cancellation notice.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1168 continued

3 1 I hereby cancel this contract.

3 2 _____

3 3 Date

3 4 _____

3 5 Insured's signature

3 6 5. Within ten days after a contract to provide goods
3 7 or services to be paid from the proceeds of a property and
3 8 casualty insurance policy has been canceled by notification
3 9 pursuant to this section, the residential contractor shall
3 10 tender to the person canceling the contract any payments,
3 11 partial payments, or deposits made by the person and any note
3 12 or other evidence of indebtedness. However, if the residential
3 13 contractor has performed any emergency services, acknowledged
3 14 by the person in writing to be necessary to prevent damage to
3 15 the premises, the residential contractor shall be entitled to
3 16 be paid the reasonable value of such services. Any provision
3 17 in a contract to provide goods or services to be paid from
3 18 the proceeds of a property and casualty insurance policy that
3 19 requires the payment of any fee which is not for emergency
3 20 services shall not be enforceable against any person who has
3 21 canceled a contract pursuant to this section.

3 22 6. A residential contractor shall not represent or
3 23 negotiate on behalf of, or offer or advertise to represent or
3 24 negotiate on behalf of, an owner or possessor of residential
3 25 real estate on any insurance claim in connection with the
3 26 repair or replacement of roof systems, or the performance
3 27 of any other exterior repair, replacement, construction, or
3 28 reconstruction work on the residential real estate.

3 29 7. A residential contractor violating this section is
3 30 subject to the penalties and remedies prescribed by this
3 31 chapter.

3 32 Sec. 2. APPLICABILITY. This Act applies to contracts
3 33 entered into on or after the effective date of this Act.

3 34 EXPLANATION

3 35 This bill prohibits a residential contractor from



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1168 continued

4 1 advertising or promising to pay anything of value or rebate any
4 2 insurance deductible or any portion thereof as an inducement
4 3 to the sale of goods or services. The bill specifies that such
4 4 a promise to pay or rebate includes granting any allowance or
4 5 offering any discount against the fees to be charged or paying
4 6 an insured or a person associated with the property any form
4 7 of compensation, gift, prize, bonus, coupon, credit, referral
4 8 fee, or other item of monetary value for any reason, including
4 9 permitting the residential contractor to display a sign or any
4 10 other type of advertisement at the insured's premises.

4 11 The bill provides that a person who has entered into a
4 12 written contract with a residential contractor to provide
4 13 goods or services to be paid from the proceeds of a property
4 14 and casualty insurance policy may cancel the contract prior
4 15 to midnight on the fifth business day after the person has
4 16 received written notice from the insurer that all or part of
4 17 the claim or contract is not a covered loss under the insurance
4 18 policy. The bill specifies that cancellation is evidenced by
4 19 the person giving written notice of the cancellation to the
4 20 residential contractor at the residential contractor's address
4 21 as stated in the contract. The bill provides that notice
4 22 of cancellation given by mail becomes effective upon deposit
4 23 into the United States mail with prepaid postage, if properly
4 24 addressed to the residential contractor. The bill specifies
4 25 that notice of cancellation need not take a particular form,
4 26 and is sufficient if the notice indicates, by any form of
4 27 written expression, the intent of the insured not to be bound
4 28 by the contract.

4 29 The bill provides that before entering into a contract
4 30 to provide goods or services to be paid from the proceeds
4 31 of a property and casualty insurance policy, a residential
4 32 contractor must provide the insured with two documents, which
4 33 must be formatted substantially as set out in the bill, along
4 34 with the contract. The first document notifies the person of
4 35 the person's right to cancel the contract at any time before



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1168 continued

5 1 midnight on the fifth business day after receiving written
5 2 notification from the person's insurer that all or any part of
5 3 the claim or contract is not a covered loss under the person's
5 4 insurance policy. The first document must direct the attention
5 5 of the person to the second document, which must be attached
5 6 to the contract. The second document is a cancellation notice
5 7 which the person may return to the residential contractor to
5 8 exercise the person's cancellation rights as provided by the
5 9 bill.

5 10 The bill provides that within 10 days after a contract to
5 11 provide goods or services to be paid from the proceeds of
5 12 a property and casualty insurance policy has been canceled
5 13 pursuant to the bill, the residential contractor must tender
5 14 to the person any payments, partial payments, or deposits made
5 15 by the person and any note or other evidence of indebtedness.
5 16 The bill provides that if the residential contractor performed
5 17 any emergency services which were acknowledged by the insured
5 18 in writing to be necessary to prevent damage to the premises,
5 19 the residential contractor shall be entitled to the reasonable
5 20 value of such services. The bill provides that any provision
5 21 in a contract to provide goods or services to be paid from
5 22 the proceeds of a property and casualty insurance policy that
5 23 requires the payment of a fee which is not for emergency
5 24 services is unenforceable against any person who has canceled a
5 25 contract pursuant to the bill.

5 26 The bill prohibits a residential contractor from
5 27 representing or negotiating on behalf of, or offering or
5 28 advertising to represent or negotiate on behalf of, an owner
5 29 or possessor of residential real estate on any insurance claim
5 30 in connection with the repair or replacement of roof systems,
5 31 or the performance of any other exterior repair, replacement,
5 32 construction, or reconstruction work.

5 33 A violation of the bill by a residential contractor is a
5 34 simple misdemeanor pursuant to Code section 103A.21(3). A
5 35 simple misdemeanor is punishable by confinement for no more



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1168 continued

6 1 than 30 days or a fine of at least \$65 but not more than \$625
6 2 or by both. The state building code commissioner may file a
6 3 petition in the district court and obtain injunctive relief for
6 4 any violation of the bill pursuant to Code section 103A.21(3).
6 5 The bill applies to contracts entered into on or after the
6 6 effective date of the bill.

LSB 2674SC (2) 84

je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and
2 including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1437SC (31) 84
lh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

PAG LIN

1 1 DIVISION I
1 2 NONSUBSTANTIVE CHANGES
1 3 Section 1. Section 8.57, subsection 6, paragraph e,
1 4 subparagraph (1), subparagraph division (d), subparagraph
1 5 subdivision (i), Code 2011, is amended to read as follows:
1 6 (i) The total moneys in excess of the moneys deposited
1 7 in the revenue bonds debt service fund, the revenue bonds
1 8 federal ~~holdback~~ subsidy ~~holdback~~ fund, the vision Iowa fund,
1 9 the school infrastructure fund, and the general fund of the
1 10 state in a fiscal year shall be deposited in the rebuild Iowa
1 11 infrastructure fund and shall be used as provided in this
1 12 section, notwithstanding section 8.60.
1 13 Sec. 2. Section 8A.311, subsection 14, paragraph b, Code
1 14 2011, is amended to read as follows:
1 15 b. The procurement by state agencies of ~~bio-based~~ biobased
1 16 hydraulic fluids, greases, and other industrial lubricants
1 17 manufactured from soybeans in accordance with the requirements
1 18 of section 8A.316.
1 19 Sec. 3. Section 8A.316, subsection 4, paragraph a, Code
1 20 2011, is amended to read as follows:
1 21 a. Provide that when purchasing hydraulic fluids, greases,
1 22 and other industrial lubricants, the department or a state
1 23 agency authorized by the department to directly purchase
1 24 hydraulic fluids, greases, and other industrial lubricants
1 25 shall give preference to purchasing ~~bio-based~~ biobased
1 26 hydraulic fluids, greases, and other industrial lubricants
1 27 manufactured from soybeans.
1 28 Sec. 4. Section 8A.316, subsection 4, paragraph c,
1 29 subparagraph (1), Code 2011, is amended to read as follows:
1 30 (1) ~~"Bio-based~~ "Biobased hydraulic fluids, greases, and
1 31 other industrial lubricants" means the same as defined by the
1 32 United States department of agriculture, if the department has
1 33 adopted such a definition. If the United States department of
1 34 agriculture has not adopted a definition, ~~"bio-based~~ "biobased
1 35 hydraulic fluids, greases, and other industrial lubricants" means



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

2 1 hydraulic fluids, greases, and other lubricants containing a
2 2 minimum of fifty=one percent soybean oil.

2 3 Sec. 5. Section 8D.3, subsection 2, Code 2011, is amended
2 4 to read as follows:

2 5 2. Members.

2 6 a. The commission is composed of five members appointed
2 7 by the governor and subject to confirmation by the senate.
2 8 Members of the commission shall not serve in any manner or be
2 9 employed by an authorized user of the network or by an entity
2 10 seeking to do or doing business with the network.

2 11 ~~a.~~ (1) The governor shall appoint a member as the
2 12 chairperson of the commission from the five members appointed
2 13 by the governor, subject to confirmation by the senate.

2 14 ~~b.~~ (2) Members of the commission shall serve six=year
2 15 staggered terms as designated by the governor and appointments
2 16 to the commission are subject to the requirements of sections
2 17 69.16, 69.16A, and 69.19. Vacancies shall be filled by the
2 18 governor for the duration of the unexpired term.

2 19 ~~c.~~ (3) The salary of the members of the commission shall
2 20 be twelve thousand dollars per year, except that the salary of
2 21 the chairperson shall be seventeen thousand dollars per year.
2 22 Members of the commission shall also be reimbursed for all
2 23 actual and necessary expenses incurred in the performance of
2 24 duties as members. The benefits and salary paid to the members
2 25 of the commission shall be adjusted annually equal to the
2 26 average of the annual pay adjustments, expense reimbursements,
2 27 and related benefits provided under collective bargaining
2 28 agreements negotiated pursuant to chapter 20.

2 29 ~~d. Meetings of the commission shall be held at the call of~~
~~2 30 the chairperson of the commission.~~

2 31 b. In addition to the members appointed by the governor,
2 32 the auditor of state or the auditor's designee shall serve as a
2 33 nonvoting, ex officio member of the commission.

2 34 c. Meetings of the commission shall be held at the call of
2 35 the chairperson of the commission.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

3 1 Sec. 6. Section 12.87, subsection 1, Code 2011, is amended
3 2 to read as follows:
3 3 1. a. The treasurer of state is authorized to issue and
3 4 sell bonds on behalf of the state to provide funds for certain
3 5 infrastructure projects and for purposes of the Iowa jobs
3 6 program established in section 16.194. The treasurer of state
3 7 shall have all of the powers which are necessary or convenient
3 8 to issue, sell, and secure bonds and carry out the treasurer of
3 9 state's duties, and exercise the treasurer of state's authority
3 10 under this section and sections 12.88 through 12.90. The
3 11 treasurer of state may issue and sell bonds in such amounts as
3 12 the treasurer of state determines to be necessary to provide
3 13 sufficient funds for certain infrastructure projects and the
3 14 revenue bonds capitals fund, the revenue bonds capitals II
3 15 fund, the payment of interest on the bonds, the establishment
3 16 of reserves to secure the bonds, the payment of costs of
3 17 issuance of the bonds, the payment of other expenditures of
3 18 the treasurer of state incident to and necessary or convenient
3 19 to carry out the issuance and sale of the bonds, and the
3 20 payment of all other expenditures of the treasurer of state
3 21 necessary or convenient to administer the funds and to carry
3 22 out the purposes for which the bonds are issued and sold.
3 23 The treasurer of state may issue and sell bonds in one or
3 24 more series on the terms and conditions the treasurer of
3 25 state determines to be in the best interest of the state, in
3 26 accordance with this section in such amounts as the treasurer
3 27 of state determines to be necessary to fund the purposes for
3 28 which such bonds are issued and sold as follows:
3 29 ~~a.~~ b. The treasurer of state may issue and sell bonds in
3 30 amounts which provide aggregate net proceeds of not more than
3 31 six hundred ninety-five million dollars, excluding any bonds
3 32 issued and sold to refund outstanding bonds issued under this
3 33 section, as follows:
3 34 (1) On or after July 1, 2009, the treasurer of state may
3 35 issue and sell bonds in amounts which provide aggregate net



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

4 1 proceeds of not more than one hundred eighty=five million
4 2 dollars for capital projects which qualify as vertical
4 3 infrastructure projects as defined in section 8.57, subsection
4 4 6, paragraph "c", to the extent practicable in any fiscal year
4 5 and without limiting other qualifying capital expenditures.
4 6 (2) On or after July 1, 2009, the treasurer of state
4 7 may issue and sell bonds in amounts which provide aggregate
4 8 net proceeds of not more than three hundred sixty million
4 9 dollars for purposes of the Iowa jobs program established
4 10 in section 16.194 and for watershed flood rebuilding and
4 11 prevention projects, soil conservation projects, sewer
4 12 infrastructure projects, for certain housing and public service
4 13 shelter projects and public broadband and alternative energy
4 14 projects, and for projects relating to bridge safety and the
4 15 rehabilitation of deficient bridges.

4 16 (3) On or after April 1, 2010, the treasurer of state may
4 17 issue and sell bonds in amounts which provide aggregate net
4 18 proceeds of not more than one hundred fifty million dollars
4 19 for purposes of the Iowa jobs II program established in
4 20 section 16.194A and for qualified projects in the departments
4 21 of agriculture and land stewardship, economic development,
4 22 education, natural resources, and transportation, and the Iowa
4 23 finance authority, state board of regents, and treasurer of
4 24 state.

4 25 Sec. 7. Section 12.89A, subsection 5, Code 2011, is amended
4 26 to read as follows:

4 27 5. At any time during each fiscal year that there are moneys
4 28 on deposit in the revenue bonds federal subsidy holdback fund
4 29 that are not needed to pay principal and interest on federal
4 30 subsidy bonds during such fiscal year as determined by the
4 31 treasurer of state or the treasurer's designee, such moneys on
4 32 deposit in the revenue bonds federal subsidy holdback ~~account~~
— 4 33 ~~fund~~ shall be credited to the rebuild Iowa infrastructure fund
4 34 of the state.

4 35 Sec. 8. Section 29C.20B, subsection 2, paragraph f, Code



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

5 1 2011, is amended to read as follows:

5 2 f. ~~Develop~~ Development of formal working relationships with
5 3 agencies and ~~create~~ creation of interagency agreements for
5 4 those considered to provide disaster case management services.

5 5 Sec. 9. Section 34A.15, subsection 1, paragraph f, Code
5 6 2011, is amended to read as follows:

5 7 f. One person appointed by the Iowa ~~firemen's~~ firefighters
5 8 association.

5 9 Sec. 10. Section 88.19, Code 2011, is amended to read as
5 10 follows:

5 11 88.19 Annual report.

5 12 Within one hundred twenty days following the convening
5 13 of each session of each general assembly, the commissioner
5 14 shall prepare and submit to the governor for transmittal to
5 15 the general assembly a report upon the subject matter of
5 16 this chapter, the progress toward achievement of the purpose
5 17 of this chapter, the needs and requirements in the field
5 18 of occupational safety and health, and any other relevant
5 19 information. Such reports may include information regarding
5 20 occupational safety and health standards, and criteria for such
5 21 standards, developed during the preceding year; evaluation of
5 22 standards and criteria previously developed under this chapter,
5 23 defining areas of emphasis for new criteria and standards;
5 24 ~~and~~ evaluation of the degree of observance of applicable
5 25 occupational safety and health standards, and a summary of
5 26 inspection and enforcement activity undertaken; analysis and
5 27 evaluation of research activities for which results have been
5 28 obtained under governmental and nongovernmental sponsorship;
5 29 an analysis of major occupational diseases; evaluation of
5 30 available control and measurement technology for hazards for
5 31 which standards or criteria have been developed during the
5 32 preceding year; a description of cooperative efforts undertaken
5 33 between government agencies and other interested parties in
5 34 the implementation of this chapter during the preceding year;
5 35 a progress report on the development of an adequate supply



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

6 1 of trained personnel in the field of occupational safety and
6 2 health, including estimates of future needs and the efforts
6 3 being made by government and others to meet those needs; a
6 4 listing of all toxic substances in industrial usage for which
6 5 labeling requirements, criteria, or standards have not yet
6 6 been established; and such recommendations for additional
6 7 legislation as are deemed necessary to protect the safety and
6 8 health of the worker and improve the administration of this
6 9 chapter.

6 10 Sec. 11. Section 89.6, subsection 2, Code 2011, is amended
6 11 to read as follows:

6 12 2. Before any power boiler is converted to a low pressure
6 13 boiler, the owner or user shall give to the commissioner ten
6 14 days' written notice of intent to convert the boiler ~~to the~~
~~6 15 commissioner~~. The notice shall designate the boiler location,
6 16 the uses of the building, and other information specified by
6 17 rule by the board.

6 18 Sec. 12. Section 97C.2, subsections 3 and 6, Code 2011, are
6 19 amended to read as follows:

6 20 3. The term "employment" means any service performed by
6 21 an employee in the employ of the state, or any political
6 22 subdivision thereof, for such employer, except ~~(1)~~ service
6 23 which in the absence of an agreement entered into under this
6 24 chapter would constitute "employment" as defined in the Social
6 25 Security Act; or ~~(2)~~ service which under the Social Security
6 26 Act may not be included in an agreement between the state and
6 27 the federal security administrator entered into under this
6 28 chapter.

6 29 6. The term "political subdivision" includes an
6 30 instrumentality ~~(a)~~ of the state of Iowa, ~~(b)~~ of one or more of
6 31 its political subdivisions, or ~~(c)~~ of the state and one or more
6 32 of its political subdivisions, but only if such instrumentality
6 33 is a juristic entity which is legally separate and distinct
6 34 from the state or subdivision and only if its employees are not
6 35 by virtue of their relation to such juristic entity employees



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

7 1 of the state or subdivisions.

7 2 Sec. 13. Section 97C.4, Code 2011, is amended to read as
7 3 follows:

7 4 97C.4 Other states ==== joint agreements.

7 5 Any instrumentality jointly created by this state and
7 6 any other state or states is hereby authorized, upon the
7 7 granting of like authority by such other state or states,
7 8 ~~(1)~~ to enter into an agreement with the federal security
7 9 administrator whereby the benefits of the federal old-age and
7 10 survivors' insurance system shall be extended to employees
7 11 of such instrumentality, ~~(2)~~ to require its employees to pay
7 12 ~~(and, and~~ for that purpose to deduct from their ~~wages)~~ wages,
7 13 contributions equal to the amounts which they would be required
7 14 to pay under section 97C.5 if they were covered by an agreement
7 15 made pursuant to section 97C.3, and ~~(3)~~ to make payments to the
7 16 secretary of the treasury in accordance with such agreement,
7 17 including payments from its own funds, and otherwise to comply
7 18 with such agreements. Such agreement shall, to the extent
7 19 practicable, be consistent with the terms and provisions of
7 20 section 97C.3 and other provisions of this chapter.

7 21 Sec. 14. Section 100B.1, subsection 1, paragraph a,
7 22 subparagraph (1), subparagraph division (a), Code 2011, is
7 23 amended to read as follows:

7 24 (a) Two members from a list submitted by the Iowa ~~firemen's~~
7 25 ~~firefighters~~ association.

7 26 Sec. 15. Section 101C.3, subsection 3, paragraph b, Code
7 27 2011, is amended to read as follows:

7 28 b. A volunteer fire fighter designated by the Iowa ~~firemen's~~
7 29 ~~firefighters~~ association.

7 30 Sec. 16. Section 135.159, subsection 3, paragraph i, Code
7 31 2011, is amended to read as follows:

7 32 i. For children, coordinate with and integrate guidelines,
7 33 data, and information from existing newborn and child health
7 34 programs and entities, including but not limited to the healthy
7 35 opportunities for parents to experience success = healthy



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

8 1 families Iowa program, the early childhood Iowa initiative,
8 2 the center for congenital and inherited disorders screening
8 3 and health care programs, standards of care for pediatric
8 4 health guidelines, the office of minority and multicultural
8 5 health established in section 135.12, the oral health bureau
8 6 established in section 135.15, and other similar programs and
8 7 services.

8 8 Sec. 17. Section 136.1, Code 2011, is amended to read as
8 9 follows:

8 10 136.1 Composition of board.

8 11 1. The state board of health shall consist of the following
8 12 members:

8 13 a. Two members learned in health-related disciplines, ~~three.~~

8 14 b. Three members who have direct experience with public
8 15 health, ~~two.~~

8 16 c. Two members who have direct experience with substance
8 17 abuse treatment or prevention, ~~and four.~~

8 18 d. Four members representing the general public.

8 19 2. At least one of such members shall be licensed in the
8 20 practice of medicine and surgery or osteopathic medicine and
8 21 surgery under chapter 148.

8 22 Sec. 18. Section 147A.2, subsection 1, Code 2011, is amended
8 23 to read as follows:

8 24 1. An EMS advisory council shall be appointed by the
8 25 director. Membership of the council shall be comprised of
8 26 individuals nominated from, but not limited to, the following
8 27 state or national organizations: Iowa osteopathic medical
8 28 association, Iowa medical society, American college of
8 29 emergency physicians, Iowa physician assistant society, Iowa
8 30 academy of family physicians, university of Iowa hospitals
8 31 and clinics, American academy of emergency medicine, American
8 32 academy of pediatrics, Iowa EMS association, Iowa ~~firemen's~~
8 33 ~~firefighters~~ association, Iowa professional firefighters,
8 34 EMS education programs committee, Iowa nurses association,
8 35 Iowa hospital association, and the Iowa state association of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

9 1 counties. The council shall also include at least two at-large
9 2 members who are volunteer emergency medical care providers and
9 3 a representative of a private service program.

9 4 Sec. 19. Section 159A.3, subsection 2, paragraph h, Code
9 5 2011, is amended to read as follows:

9 6 h. ~~Approve~~ Approving a renewable fuel which may be used as a
9 7 flexible fuel powering a motor vehicle required to be purchased
9 8 by state agencies.

9 9 Sec. 20. Section 252B.20, subsection 13, Code 2011, is
9 10 amended to read as follows:

9 11 13. For the purposes of chapter 252H, subchapter II,
9 12 regarding the criteria for a review ~~under subchapter II of~~
~~9 13 that chapter~~ or for a cost-of-living alteration under chapter
9 14 252H, subchapter IV of that chapter, if a support obligation is
9 15 terminated or reinstated under this section, such termination
9 16 or reinstatement shall not be considered a modification of the
9 17 support order.

9 18 Sec. 21. Section 260C.19B, Code 2011, is amended to read as
9 19 follows:

9 20 260C.19B Purchase of ~~bio-based~~ biobased hydraulic fluids,
9 21 greases, and other industrial lubricants.

9 22 Hydraulic fluids, greases, and other industrial lubricants
9 23 purchased by or used under the direction of the board of
9 24 directors to provide services to a merged area shall be
9 25 purchased in compliance with the preference requirements for
9 26 purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and
9 27 other industrial lubricants as provided pursuant to section
9 28 8A.316.

9 29 Sec. 22. Section 262.25B, Code 2011, is amended to read as
9 30 follows:

9 31 262.25B Purchase of ~~bio-based~~ biobased hydraulic fluids,
9 32 greases, and other industrial lubricants.

9 33 The state board of regents and institutions under the
9 34 control of the board purchasing hydraulic fluids, greases, and
9 35 other industrial lubricants shall give preference to purchasing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

10 1 ~~bio-based~~ biobased hydraulic fluids, greases, and other
10 2 industrial lubricants as provided in section 8A.316.
10 3 Sec. 23. Section 282.6, subsection 2, Code 2011, is amended
10 4 to read as follows:
10 5 2. Every school shall be free of tuition to all actual
10 6 residents between the ages of five and twenty=one years and to
10 7 resident veterans as defined in section 35.1, as many months
10 8 after becoming twenty=one years of age as they have spent
10 9 in the armed forces of the United States before they became
10 10 twenty=one, provided, however, fees may be charged covering
10 11 instructional costs for a summer school or ~~drivers~~ driver
10 12 education program. The board of education may, in a hardship
10 13 case, exempt a student from payment of the above fees. Every
10 14 person, however, who shall attend any school after graduation
10 15 from a four=year course in an approved high school or its
10 16 equivalent shall be charged a sufficient tuition fee to cover
10 17 the cost of the instruction received by the person.
10 18 Sec. 24. Section 285.5, subsection 1, paragraph a, Code
10 19 2011, is amended to read as follows:
10 20 a. Contracts for school bus service with private parties
10 21 shall be in writing and be for the transportation of children
10 22 who attend public school and children who attend nonpublic
10 23 school. Such contracts shall define the route, the length of
10 24 time, service contracted for, the compensation, and the vehicle
10 25 to be used. The contract shall prescribe the duties of the
10 26 contractor and driver of the vehicles and shall provide that
10 27 every person in charge of a vehicle conveying children to and
10 28 from school shall be at all times subject to any rules said
10 29 board shall adopt for the protection of the children, or to
10 30 govern the conduct of the persons in charge of said conveyance.
10 31 Contracts may be made for a period not to exceed three years.
10 32 Sec. 25. Section 306B.1, subsections 3 and 4, Code 2011, are
10 33 amended to read as follows:
10 34 3. "Interstate system" means the system of highways as
10 35 ~~defined~~ described in ~~Tit. 23 U.S.C. 103, subsection "c"~~ { 103(c)



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

11 1 or amendments thereto.

11 2 4. "National policy" means the provisions relating to
11 3 control of advertising devices adjacent to the interstate
11 4 system contained in ~~Tit.~~ 23 U.S.C. { 131 or amendments thereto
11 5 and the national standards promulgated pursuant to such
11 6 provisions.

11 7 Sec. 26. Section 306C.10, subsection 9, Code 2011, is
11 8 amended to read as follows:

11 9 9. "Information center" means a site, either with or without
11 10 structures or buildings, established and maintained at a rest
11 11 area for the purpose of providing ~~"information"~~ "specific
11 12 information of specific interest to the traveling public", as
11 13 defined in subsection 18.

11 14 Sec. 27. Section 313.4, subsection 2, Code 2011, is amended
11 15 to read as follows:

11 16 2. Such fund is also appropriated and shall be used for the
11 17 construction, reconstruction, improvement and maintenance of
11 18 state institutional roads and state park roads and bridges on
11 19 such roads and roads and bridges on community college property
11 20 as provided in ~~subsection 11 of~~ section 307A.2, subsection 11,
11 21 for restoration of secondary roads used as primary road detours
11 22 and for compensation of counties for such use, for restoration
11 23 of municipal streets so used and for compensation of cities for
11 24 such use, and for the payments required in section 307.45.

11 25 Sec. 28. Section 321.178, subsection 2, paragraph a,
11 26 subparagraph (1), Code 2011, is amended to read as follows:

11 27 (1) A person between sixteen and eighteen years of age who
11 28 has completed an approved ~~driver's~~ driver education course and
11 29 is not in attendance at school and has not met the requirements
11 30 described in section 299.2, subsection 1, may be issued a
11 31 restricted license only for travel to and from work or to
11 32 transport dependents to and from temporary care facilities,
11 33 if necessary for the person to maintain the person's present
11 34 employment. The restricted license shall be issued by the
11 35 department only upon confirmation of the person's employment



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

12 1 and need for a restricted license to travel to and from work or
12 2 to transport dependents to and from temporary care facilities
12 3 if necessary to maintain the person's employment. The employer
12 4 shall notify the department if the employment of the person is
12 5 terminated before the person attains the age of eighteen.
12 6 Sec. 29. Section 321.178, subsection 3, paragraph b,
12 7 subparagraph (4), Code 2011, is amended to read as follows:
12 8 (4) The minor must pass the written and driving skills tests
12 9 as required by the department, but is not required to have
12 10 taken a ~~driver's~~ driver education class.
12 11 Sec. 30. Section 321.188, subsection 1, paragraphs a and c,
12 12 Code 2011, are amended to read as follows:
12 13 a. Certify whether the applicant is subject to and meets
12 14 applicable driver qualifications of 49 C.F.R. ~~part~~ pt. 391 as
12 15 adopted by rule by the department.
12 16 c. Successfully pass knowledge tests and driving skills
12 17 tests which the department shall require by rule. The rules
12 18 adopted shall substantially comply with the federal minimum
12 19 testing and licensing requirements in 49 C.F.R. ~~part~~ pt.
12 20 383, ~~subparts~~ subpt. E, G, and H as adopted by rule by the
12 21 department. Except as required under 49 C.F.R. ~~part~~ pt. 383,
12 22 ~~subpart~~ subpt. E, G, or H, a commercial driver's license is
12 23 renewable without a driving skills test within one year after
12 24 its expiration date.
12 25 Sec. 31. Section 321J.2, subsection 5, paragraph d, Code
12 26 2011, is amended to read as follows:
12 27 d. Assignment to substance abuse evaluation and treatment, a
12 28 course for drinking drivers, and, if available and appropriate,
12 29 a reality education substance abuse prevention program pursuant
12 30 to section 321J.24.
12 31 Sec. 32. Section 323A.2, subsection 1, paragraph b, Code
12 32 2011, is amended to read as follows:
12 33 b. The franchisee has requested and has been denied delivery
12 34 of motor fuel sold or distributed under the trademark named in
12 35 the franchise from a person other than the franchisor.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

13 1 Sec. 33. Section 336.16, subsection 3, Code 2011, is amended
13 2 to read as follows:

13 3 3. A city or county election shall not be called until a
13 4 hearing has been held on the proposal to submit a proposition
13 5 of withdrawal to an election. A hearing may be held only after
13 6 public notice is published as provided in section 362.3 in the
13 7 case of a city or section 331.305 in the case of a county. A
13 8 copy of the notice submitted for publication shall be mailed
13 9 to the public library on or before the date of publication.
13 10 The proposal presented at the hearing must include a plan
13 11 for continuing adequate library service with or without all
13 12 participants and the respective allocated costs and levels of
13 13 service shall be stated. At the hearing, any interested person
13 14 shall be given a reasonable time to be heard, either for or
13 15 against the withdrawal or the plan to accompany it.

13 16 Sec. 34. Section 360.1, Code 2011, is amended to read as
13 17 follows:

13 18 360.1 Election.

13 19 1. The trustees, on a petition of a majority of the
13 20 resident freeholders of any civil township, shall request the
13 21 county commissioner of elections to submit the question of
13 22 building or acquiring by purchase, or acquiring by a lease with
13 23 purchase option, a public hall to the electors thereof. The
13 24 county commissioner shall conduct the election pursuant to the
13 25 applicable provisions of chapters 39 to 53 and certify the
13 26 result to the trustees.

13 27 2. The form of the proposition shall be: "Shall the
13 28 proposition to levy a tax of ... cents per thousand dollars of
13 29 assessed value for the erection of a public hall be adopted?"

13 30 3. Notice of the election shall be given as provided by
13 31 chapter 49.

13 32 Sec. 35. Section 364.4, subsection 4, paragraph e,
13 33 subparagraph (2), subparagraph division (b), Code 2011, is
13 34 amended to read as follows:

13 35 (b) (i) If at any time before the end of the thirty=day



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

14 1 period after which a meeting may be held to take action to
14 2 enter into the lease or lease=purchase contract, a petition
14 3 is filed with the clerk of the city in the manner provided
14 4 by section 362.4, asking that the question of entering into
14 5 the lease or lease=purchase contract be submitted to the
14 6 registered voters of the city, the governing body shall either
14 7 by resolution declare the proposal to enter into the lease or
14 8 lease=purchase contract to have been abandoned or shall direct
14 9 the county commissioner of elections to call a special election
14 10 upon the question of entering into the lease or lease=purchase
14 11 contract. However, for purposes of this subparagraph, the
14 12 petition shall not require signatures in excess of one thousand
14 13 persons.

14 14 (ii) The question to be placed on the ballot shall be stated
14 15 affirmatively in substantially the following manner: Shall the
14 16 city of enter into a lease or lease=purchase contract
14 17 in amount of \$.... for the purpose of?

14 18 (iii) Notice of the election and its conduct shall be in the
14 19 manner provided in section 384.26, subsections 2 through 4.

14 20 Sec. 36. Section 400.2, subsection 2, paragraph a, Code
14 21 2011, is amended to read as follows:

14 22 a. Sell ~~to~~, or in any manner become parties, directly or
14 23 indirectly, to any contract to furnish supplies, material, or
14 24 labor to the city unless the sale is made or the contract is
14 25 awarded by competitive bid in writing, publicly invited and
14 26 opened.

14 27 Sec. 37. Section 403.19A, subsection 3, paragraph c,
14 28 subparagraph (1), Code 2011, is amended to read as follows:

14 29 (1) The pilot project city shall enter into a withholding
14 30 agreement with each employer concerning the targeted jobs
14 31 withholding credit. The withholding agreement shall provide
14 32 for the total amount of withholding ~~tax~~ credits awarded. An
14 33 agreement shall not provide for an amount of withholding
14 34 credits that exceeds the amount of the qualifying investment
14 35 made in the project. An agreement shall not be entered into



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

15 1 by a pilot project city with a business currently located in
15 2 this state unless the business either creates ten new jobs or
15 3 makes a qualifying investment of at least five hundred thousand
15 4 dollars within the urban renewal area. The withholding
15 5 agreement may have a term of up to ten years. An employer
15 6 shall not be obligated to enter into a withholding agreement.
15 7 An agreement shall not be entered into with an employer not
15 8 already located in a pilot project city when another Iowa
15 9 community is competing for the same project and both the
15 10 pilot project city and the other Iowa community are seeking
15 11 assistance from the department.

15 12 Sec. 38. Section 403.19A, subsection 3, paragraph f, Code
15 13 2011, is amended to read as follows:

15 14 f. If the employer ceases to meet the requirements of the
15 15 withholding agreement, the agreement shall be terminated and
15 16 any withholding ~~tax~~ credits for the benefit of the employer
15 17 shall cease. However, in regard to the number of new jobs that
15 18 are to be created, if the employer has met the number of new
15 19 jobs to be created pursuant to the withholding agreement and
15 20 subsequently the number of new jobs falls below the required
15 21 level, the employer shall not be considered as not meeting the
15 22 new job requirement until eighteen months after the date of the
15 23 decrease in the number of new jobs created.

15 24 Sec. 39. Section 403A.21, Code 2011, is amended to read as
15 25 follows:

15 26 403A.21 Cooperation in undertaking housing projects.

15 27 1. For the purpose of aiding and cooperating in the
15 28 planning, undertaking, construction or operation of housing
15 29 projects located within the area in which it is authorized to
15 30 act, any state public body may upon such terms, with or without
15 31 consideration, as it may determine:

15 32 ~~1.~~ a. Dedicate, sell, convey or lease any of its interest
15 33 in any property or grant easements, licenses or any other
15 34 rights or privileges therein to any municipality, or to the
15 35 federal government.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

16 1 ~~2.~~ b. Cause parks, playgrounds, recreational community,
16 2 educational, water, sewer or drainage facilities or any other
16 3 works which it is otherwise empowered to undertake, to be
16 4 furnished adjacent to or in connection with housing projects.
16 5 ~~3.~~ c. Furnish, dedicate, close, pave, install, grade,
16 6 regrade, plan or replan streets, roads, roadways, alleys,
16 7 sidewalks or other places which it is otherwise empowered to
16 8 undertake.
16 9 ~~4.~~ d. Cause services to be furnished for housing projects
16 10 of the character which such state public body is otherwise
16 11 empowered to furnish.
16 12 ~~5.~~ e. Enter into agreements with respect to the exercise
16 13 by such state public body of its powers relating to the
16 14 repair, elimination or closing of unsafe, insanitary or unfit
16 15 dwellings.
16 16 ~~6.~~ f. Do any and all things necessary or convenient to aid
16 17 and cooperate in the planning, undertaking, construction or
16 18 operation of such housing projects.
16 19 ~~7.~~ g. Incur the entire expense of any public improvements
16 20 made by such state public body in exercising the powers granted
16 21 in this chapter.
16 22 ~~8.~~ h. Enter into agreements ~~(which, which~~ may extend
16 23 over any period, notwithstanding any provision or rule of law
16 24 to the ~~contrary)~~ contrary, with any municipality respecting
16 25 action to be taken by such state public body pursuant to any
16 26 of the powers granted by this chapter. If at any time title
16 27 to, or possession of, any project is held by any public body
16 28 or governmental agency authorized by law to engage in the
16 29 development or administration of municipal housing or slum
16 30 clearance projects, including any agency or instrumentality of
16 31 the United States of America, the provisions of such agreements
16 32 shall inure to the benefit of and may be enforced by such
16 33 public body or governmental agency.
16 34 ~~9.~~ 2. Any law or statute to the contrary notwithstanding,
16 35 any sale, conveyance, lease or agreement provided for in this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

17 1 section may be made by a state public body without appraisal,
17 2 public notice, advertisement, or public bidding.
17 3 Sec. 40. Section 422.32, Code 2011, is amended to read as
17 4 follows:
17 5 422.32 Definitions.
17 6 1. For the purpose of this division and unless otherwise
17 7 required by the context:
17 8 ~~1. a. The term "affiliated~~ "Affiliated group" means a group
17 9 of corporations as defined in section 1504(a) of the Internal
17 10 Revenue Code.
17 11 ~~2. b.~~ "Business income" means income arising from
17 12 transactions and activity in the regular course of the
17 13 taxpayer's trade or business; or income from tangible and
17 14 intangible property if the acquisition, management, and
17 15 disposition of the property constitute integral parts of the
17 16 taxpayer's regular trade or business operations; or gain or
17 17 loss resulting from the sale, exchange, or other disposition of
17 18 real property or of tangible or intangible personal property,
17 19 if the property while owned by the taxpayer was operationally
17 20 related to the taxpayer's trade or business carried on in
17 21 Iowa or operationally related to sources within Iowa, or the
17 22 property was operationally related to sources outside this
17 23 state and to the taxpayer's trade or business carried on in
17 24 Iowa; or gain or loss resulting from the sale, exchange, or
17 25 other disposition of stock in another corporation if the
17 26 activities of the other corporation were operationally related
17 27 to the taxpayer's trade or business carried on in Iowa while
17 28 the stock was owned by the taxpayer. A taxpayer may have more
17 29 than one regular trade or business in determining whether
17 30 income is business income.
17 31 (1) It is the intent of the general assembly to treat as
17 32 apportionable business income all income that may be treated
17 33 as apportionable business income under the Constitution of the
17 34 United States.
17 35 (2) The filing of an Iowa income tax return on a combined



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

18 1 report basis is neither allowed nor required by this ~~subsection~~
~~18 2~~ paragraph "b".
18 3 ~~3.~~ c. "Commercial domicile" means the principal place from
18 4 which the trade or business of the taxpayer is directed or
18 5 managed.
18 6 ~~4.~~ d. "Corporation" includes joint stock companies, and
18 7 associations organized for pecuniary profit, and partnerships
18 8 and limited liability companies taxed as corporations under the
18 9 Internal Revenue Code.
18 10 ~~5.~~ e. ~~The words "domestic"~~ "Domestic corporation" ~~mean~~ means
18 11 any corporation organized under the laws of this state.
18 12 ~~6.~~ f. ~~The words "foreign"~~ "Foreign corporation" ~~mean~~ means
18 13 any corporation other than a domestic corporation.
18 14 ~~7.~~ g. "Internal Revenue Code" means the Internal Revenue
18 15 Code of 1954, prior to the date of its redesignation as the
18 16 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
18 17 or means the Internal Revenue Code of 1986 as amended to and
18 18 including January 1, 2008.
18 19 ~~8.~~ h. "Nonbusiness income" means all income other than
18 20 business income.
18 21 ~~9.~~ i. "State" means any state of the United States, the
18 22 District of Columbia, the Commonwealth of Puerto Rico, any
18 23 territory or possession of the United States, and any foreign
18 24 country or political subdivision thereof.
18 25 ~~10.~~ j. "Taxable in another state". For purposes of
18 26 allocation and apportionment of income under this division, a
18 27 taxpayer is ~~taxable~~ "taxable in another ~~state~~ state" if:
18 28 ~~a.~~ (1) In that state the taxpayer is subject to a net
18 29 income tax, a franchise tax measured by net income, a franchise
18 30 tax for the privilege of doing business, or a corporate stock
18 31 tax; or
18 32 ~~b.~~ (2) That state has jurisdiction to subject the taxpayer
18 33 to a net income tax regardless of whether, in fact, the state
18 34 does or does not.
18 35 ~~11.~~ k. ~~The term "unitary"~~ "Unitary business" means a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

19 1 business carried on partly within and partly without a state
19 2 where the portion of the business carried on within the state
19 3 depends on or contributes to the business outside the state.
19 4 2. The words, terms, and phrases defined in division II,
19 5 section 422.4, subsections 4 to 6, 8, 9, 13, and 15 to 17, when
19 6 used in this division, shall have the meanings ascribed to them
19 7 in said section except where the context clearly indicates a
19 8 different meaning.

19 9 Sec. 41. Section 423.3, subsection 92, paragraph a,
19 10 subparagraphs (1) and (2), Code 2011, are amended to read as
19 11 follows:

19 12 (1) The sales price from the sale or rental of computers
19 13 and equipment that are necessary for the maintenance and
19 14 operation of a web search portal and property whether directly
19 15 or indirectly connected to the computers, including but
19 16 not limited to cooling systems, cooling towers, and other
19 17 temperature control infrastructure; power infrastructure for
19 18 transformation, distribution, or management of electricity used
19 19 for the maintenance and operation of the web search portal,
19 20 including but not limited to exterior dedicated business-owned
19 21 substations, ~~back-up~~ backup power generation systems, battery
19 22 systems, and related infrastructure; and racking systems,
19 23 cabling, and trays, which are necessary for the maintenance and
19 24 operation of the web search portal.

19 25 (2) The sales price of ~~back-up~~ backup power generation fuel,
19 26 that is purchased by a web search portal business for use in
19 27 the items listed in subparagraph (1).

19 28 Sec. 42. Section 423.3, subsection 93, paragraph a,
19 29 subparagraphs (1) and (2), Code 2011, are amended to read as
19 30 follows:

19 31 (1) The sales price from the sale or rental of computers
19 32 and equipment that are necessary for the maintenance and
19 33 operation of a web search portal business and property whether
19 34 directly or indirectly connected to the computers, including
19 35 but not limited to cooling systems, cooling towers, and other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

20 1 temperature control infrastructure; power infrastructure for
20 2 transformation, distribution, or management of electricity used
20 3 for the maintenance and operation of the web search portal
20 4 business, including but not limited to exterior dedicated
20 5 business-owned substations, ~~back-up~~ backup power generation
20 6 systems, battery systems, and related infrastructure; and
20 7 racking systems, cabling, and trays, which are necessary
20 8 for the maintenance and operation of the web search portal
20 9 business.
20 10 (2) The sales price of ~~back-up~~ backup power generation fuel,
20 11 that is purchased by a web search portal business for use in
20 12 the items listed in subparagraph (1).
20 13 Sec. 43. Section 423F.5, subsection 1, Code 2011, is amended
20 14 to read as follows:
20 15 1. A school district shall include as part of its financial
20 16 audit for the budget year beginning July 1, 2007, and for each
20 17 subsequent budget year the amount received during the year
20 18 pursuant to chapter 423E or ~~423F~~ this chapter, as applicable.
20 19 In addition, the financial audit shall include the amount of
20 20 bond levies, physical plant and equipment levy, and public
20 21 educational and recreational levy reduced as a result of the
20 22 moneys received under chapter 423E or ~~423F~~ this chapter, as
20 23 applicable. The amount of the reductions shall be stated
20 24 in terms of dollars and cents per one thousand dollars of
20 25 valuation and in total amount of property tax dollars. Also
20 26 included shall be an accounting of the amount of moneys
20 27 received which were spent for infrastructure purposes pursuant
20 28 to chapter 423E or ~~423F~~ this chapter, as applicable.
20 29 Sec. 44. Section 427.1, subsection 35, paragraph a, Code
20 30 2011, is amended to read as follows:
20 31 a. Property, other than land and buildings and other
20 32 improvements, that is utilized by a web search portal business
20 33 as defined in and meeting the requirements of section 423.3,
20 34 subsection 92, including computers and equipment that are
20 35 necessary for the maintenance and operation of a web search



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

21 1 portal and other property whether directly or indirectly
21 2 connected to the computers, including but not limited to
21 3 cooling systems, cooling towers, and other temperature control
21 4 infrastructure; power infrastructure for transformation,
21 5 distribution, or management of electricity, including but not
21 6 limited to exterior dedicated business=owned substations, and
21 7 power distribution systems which are not subject to assessment
21 8 under chapter 437A; racking systems, cabling, and trays; and
21 9 ~~back-up~~ backup power generation systems, battery systems, and
21 10 related infrastructure all of which are necessary for the
21 11 maintenance and operation of the web search portal site.

21 12 Sec. 45. Section 427.1, subsection 36, paragraph a, Code
21 13 2011, is amended to read as follows:

21 14 a. Property, other than land and buildings and other
21 15 improvements, that is utilized by a web search portal business
21 16 as defined in and meeting the requirements of section 423.3,
21 17 subsection 93, including computers and equipment that
21 18 are necessary for the maintenance and operation of a web
21 19 search portal business and other property whether directly
21 20 or indirectly connected to the computers, including but
21 21 not limited to cooling systems, cooling towers, and other
21 22 temperature control infrastructure; power infrastructure for
21 23 transformation, distribution, or management of electricity,
21 24 including but not limited to exterior dedicated business=owned
21 25 substations, and power distribution systems which are not
21 26 subject to assessment under chapter 437A; racking systems,
21 27 cabling, and trays; and ~~back-up~~ backup power generation
21 28 systems, battery systems, and related infrastructure all of
21 29 which are necessary for the maintenance and operation of the
21 30 web search portal business.

21 31 Sec. 46. Section 435.23, Code 2011, is amended to read as
21 32 follows:

21 33 435.23 Exemptions ==== prorating tax.

21 34 1. The manufacturer's and retailer's inventory of mobile
21 35 homes, manufactured homes, or modular homes not in use as a



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

22 1 place of human habitation shall be exempt from the annual tax.
22 2 All travel trailers shall be exempt from this tax. The homes
22 3 and travel trailers in the inventory of manufacturers and
22 4 retailers shall be exempt from personal property tax.
22 5 2. The homes coming into Iowa from out of state and located
22 6 in a manufactured home community or mobile home park shall
22 7 be liable for the tax computed pro rata to the nearest whole
22 8 month, for the time the home is actually situated in Iowa.
22 9 Sec. 47. Section 441.49, Code 2011, is amended to read as
22 10 follows:
22 11 441.49 Adjustment by auditor.
22 12 1. a. The director shall keep a record of the review and
22 13 adjustment proceedings and finish the proceedings on or before
22 14 October 1 unless for good cause the proceedings cannot be
22 15 completed by that date. The director shall notify each county
22 16 auditor by mail of the final action taken at the proceedings
22 17 and specify any adjustments in the valuations of any class of
22 18 property to be made effective for the jurisdiction.
22 19 b. However, an assessing jurisdiction may request the
22 20 director to permit the use of an alternative method of
22 21 applying the equalization order to the property values in the
22 22 assessing jurisdiction, provided that the final valuation
22 23 shall be equivalent to the director's equalization order. The
22 24 assessing jurisdiction shall notify the county auditor of
22 25 the request for the use of an alternative method of applying
22 26 the equalization order and the director's disposition of the
22 27 request. The request to use an alternative method of applying
22 28 the equalization order, including procedures for notifying
22 29 affected property owners and appealing valuation adjustments,
22 30 shall be made within ten days from the date the county auditor
22 31 receives the equalization order and the valuation adjustments,
22 32 and appeal procedures shall be completed by November 30 of the
22 33 year of the equalization order. Compliance with the provisions
22 34 of section 441.21 is sufficient grounds for the director
22 35 to permit the use of an alternative method of applying the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

23 1 equalization order.

23 2 2. a. On or before October 15 the county auditor shall
23 3 cause to be published in official newspapers of general
23 4 circulation the final equalization order. The publication
23 5 shall include, in type larger than the remainder of the
23 6 publication, the following statement:

23 7 ~~"Assessed~~ Assessed values are equalized by the department of
23 8 revenue every two years. Local taxing authorities determine
23 9 the final tax levies and may reduce property tax rates to
23 10 compensate for any increase in valuation due to ~~equalization."~~
~~23 11 equalization.~~

23 12 b. Failure to publish the equalization order has no effect
23 13 upon the validity of the orders.

23 14 3. The county auditor shall add to or deduct from the
23 15 valuation of each class of property in the county the required
23 16 percentage, rejecting all fractions of fifty cents or less
23 17 in the result, and counting all fractions over fifty cents
23 18 as one dollar. For any special charter city that levies and
23 19 collects its own tax based on current year assessed values,
23 20 the equalization percentage shall be applied to the following
23 21 year's values, and shall be considered the equalized values for
23 22 that year for purposes of this chapter.

23 23 4. The local board of review shall reconvene in special
23 24 session from October 15 to November 15 for the purpose of
23 25 hearing the protests of affected property owners or taxpayers
23 26 within the jurisdiction of the board whose valuation of
23 27 property if adjusted pursuant to the equalization order issued
23 28 by the director of revenue will result in a greater value than
23 29 permitted under section 441.21. The board of review shall
23 30 accept protests only during the first ten days following the
23 31 date the local board of review reconvenes. The board of review
23 32 shall limit its review to only the timely filed protests. The
23 33 board of review may adjust all or a part of the percentage
23 34 increase ordered by the director of revenue by adjusting the
23 35 actual value of the property under protest to one hundred



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

24 1 percent of actual value. Any adjustment so determined by
24 2 the board of review shall not exceed the percentage increase
24 3 provided for in the director's equalization order. The
24 4 determination of the board of review on filed protests is
24 5 final, subject to appeal to the property assessment appeal
24 6 board. A final decision by the local board of review, or the
24 7 property assessment appeal board, if the local board's decision
24 8 is appealed, is subject to review by the director of revenue
24 9 for the purpose of determining whether the board's actions
24 10 substantially altered the equalization order. In making the
24 11 review, the director has all the powers provided in chapter
24 12 421, and in exercising the powers the director is not subject
24 13 to chapter 17A. Not later than fifteen days following the
24 14 adjournment of the board, the board of review shall submit to
24 15 the director of revenue, on forms prescribed by the director, a
24 16 report of all actions taken by the board of review during this
24 17 session.

24 18 5. Not later than ten days after the date the final
24 19 equalization order is issued, the city or county officials of
24 20 the affected county or assessing jurisdiction may appeal the
24 21 final equalization order to the state board of tax review. The
24 22 appeal shall not delay the implementation of the equalization
24 23 orders.

24 24 6. Tentative and final equalization orders issued by the
24 25 director of revenue are not rules as defined in section 17A.2,
24 26 subsection 7.

24 27 Sec. 48. Section 453A.13, subsections 3 and 4, Code 2011,
24 28 are amended to read as follows:

24 29 3. Fees ==== expiration.

24 30 a. All permits provided for in this division shall expire
24 31 on June 30 of each year. A permit shall not be granted or
24 32 issued until the applicant has paid for the period ending June
24 33 30 next, to the department or the city or county granting the
24 34 permit, the fees provided for in this division. The annual
24 35 state permit fee for a distributor, cigarette vendor, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

25 1 wholesaler is one hundred dollars when the permit is granted
25 2 during the months of July, August, or September. However,
25 3 whenever a state permit holder operates more than one place of
25 4 business, a duplicate state permit shall be issued for each
25 5 additional place of business on payment of five dollars for
25 6 each duplicate state permit, but refunds as provided in this
25 7 division do not apply to any duplicate permit issued.
25 8 b. The fee for retail permits is as follows when the permit
25 9 is granted during the months of July, August, or September:
25 10 ~~a.~~ (1) In places outside any city, fifty dollars.
25 11 ~~b.~~ (2) In cities of less than fifteen thousand population,
25 12 seventy-five dollars.
25 13 ~~c.~~ (3) In cities of fifteen thousand or more population,
25 14 one hundred dollars.
25 15 c. If any permit is granted during the months of October,
25 16 November, or December, the fee shall be three-fourths of
25 17 the above maximum schedule; if granted during the months of
25 18 January, February, or March, one-half of the maximum schedule,
25 19 and if granted during the months of April, May, or June,
25 20 one-fourth of the maximum schedule.
25 21 4. Refunds.
25 22 a. An unrevoked permit for which the holder has paid the
25 23 full annual fee may be surrendered during the first nine months
25 24 of said year to the officer issuing it, and the department, or
25 25 the city or county granting the permit shall make refunds to
25 26 the said holder as follows:
25 27 (1) Three-fourths of the annual fee if the surrender is made
25 28 during July, August, or September.
25 29 (2) One-half of the annual fee if the surrender is made
25 30 during October, November, or December.
25 31 (3) One-fourth of the annual fee if the surrender is made
25 32 during January, February, or March.
25 33 b. An unrevoked permit for which the holder has paid
25 34 three-fourths of a full annual fee may be so surrendered during
25 35 the first six months of the period covered by said payment and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

26 1 the said department, city or county shall make refunds to the
26 2 holder as follows:

26 3 (1) A sum equal to one-half of an annual fee if the
26 4 surrender is made during October, November or December.

26 5 (2) A sum equal to one-fourth of an annual fee if the
26 6 surrender is made during January, February or March.

26 7 c. An unrevoked permit for which the holder has paid
26 8 one-half of a full annual fee may be ~~so~~ surrendered during the
26 9 first three months of the period covered by ~~said~~ that payment,
26 10 and the department, city or county, shall refund to the holder
26 11 a sum equal to one-fourth of an annual fee.

26 12 Sec. 49. Section 455B.134, subsection 3, paragraph d,
26 13 subparagraph (2), Code 2011, is amended to read as follows:

26 14 (2) In applications for conditional permits for electric
26 15 power generating facilities, the applicant shall quantify the
26 16 potential to emit greenhouse ~~gas emissions~~ gases due to the
26 17 proposed project.

26 18 Sec. 50. Section 455B.134, subsection 3, paragraph g, Code
26 19 2011, is amended to read as follows:

26 20 g. All applications for construction permits or prevention
26 21 of significant deterioration permits shall quantify the
26 22 potential to emit greenhouse ~~gas emissions~~ gases due to the
26 23 proposed project.

26 24 Sec. 51. Section 455B.172, subsection 11, paragraph a,
26 25 unnumbered paragraph 1, Code 2011, is amended to read as
26 26 follows:

26 27 ~~A~~ If a building where a person resides, congregates, or is
26 28 employed ~~that~~ is served by a private sewage disposal system,
26 29 ~~shall have~~ the sewage disposal system serving the building
26 30 shall be inspected prior to any transfer of ownership of the
26 31 building. The requirements of this subsection shall be applied
26 32 to all types of ownership transfer including at the time a
26 33 seller-financed real estate contract is signed. The county
26 34 recorder shall not record a deed or any other property transfer
26 35 or conveyance document until either a certified inspector's



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

27 1 report is provided which documents the condition of the private
27 2 sewage disposal system and whether any modifications are
27 3 required to conform to standards adopted by the department
27 4 or, in the event that weather or other temporary physical
27 5 conditions prevent the certified inspection from being
27 6 conducted, the buyer has executed and submitted a binding
27 7 acknowledgment with the county board of health to conduct a
27 8 certified inspection of the private sewage disposal system
27 9 at the earliest practicable time and to be responsible for
27 10 any required modifications to the private sewage disposal
27 11 system as identified by the certified inspection. Any type of
27 12 on-site treatment unit or private sewage disposal system must
27 13 be inspected according to rules developed by the department.
27 14 For the purposes of this subsection, "transfer" means the
27 15 transfer or conveyance by sale, exchange, real estate contract,
27 16 or any other method by which real estate and improvements are
27 17 purchased, if the property includes at least one but not more
27 18 than four dwelling units. However, "transfer" does not include
27 19 any of the following:
27 20 Sec. 52. Section 455B.305, subsection 1, paragraph c, Code
27 21 2011, is amended to read as follows:
27 22 c. A permit may be suspended or revoked by the director if a
27 23 sanitary disposal project is found not to meet the requirements
27 24 of this part 1 or the rules adopted pursuant to this part 1.
27 25 The suspension or revocation of a permit may be appealed to the
27 26 department.
27 27 Sec. 53. Section 455E.11, subsection 2, paragraph d,
27 28 subparagraph (3), Code 2011, is amended to read as follows:
27 29 (3) Each fiscal year, the department of natural resources
27 30 shall enter into an agreement with the Iowa comprehensive
27 31 petroleum underground storage tank fund board for the
27 32 completion of administrative tasks during the fiscal year
27 33 directly related to the evaluation and modification of risk
27 34 based corrective action rules as necessary and processes that
27 35 affect the administration in subparagraph (2).



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

28 1 Sec. 54. Section 455G.4, subsection 1, paragraph a,
28 2 subparagraph (4), Code 2011, is amended to read as follows:
28 3 (4) Two public members appointed by the governor and
28 4 confirmed by the senate to staggered four=year terms, except
28 5 that, of the first members appointed, one public member shall
28 6 be appointed for a term of two years and one for a term of four
28 7 years. A public member shall have experience, knowledge, and
28 8 expertise of the subject matter embraced within this chapter.
28 9 ~~Two~~ The two public members shall ~~be appointed with~~ have
28 10 experience in either, or both, financial markets or insurance.
28 11 Sec. 55. Section 456A.17, subsection 4, Code 2011, is
28 12 amended to read as follows:
28 13 4. The state conservation fund, except as otherwise
28 14 provided, consists of all other funds accruing to the
28 15 department for the purposes embraced by this chapter.
28 16 Sec. 56. Section 456A.19, unnumbered paragraph 5, Code
28 17 2011, is amended to read as follows:
28 18 All other expenditures shall be paid from the state
28 19 conservation fund.
28 20 Sec. 57. Section 462A.26, subsection 3, paragraph b, Code
28 21 2011, is amended to read as follows:
28 22 b. On all inland lakes and federal impoundments under the
28 23 jurisdiction of the commission-, a motorboat shall not be
28 24 operated within three hundred feet of shore at a speed greater
28 25 than ten miles per hour.
28 26 ~~A motorboat shall not be operated within three hundred feet~~
~~28 27 of shore at a speed greater than ten miles per hour.~~
28 28 Sec. 58. Section 463C.17, Code 2011, is amended to read as
28 29 follows:
28 30 463C.17 Exemption from certain laws.
28 31 The authority, the department, and their agents and
28 32 contracts entered into by the authority, the department,
28 33 and their agents, in carrying out ~~its~~ public and essential
28 34 governmental functions are exempt from the laws of the state
28 35 which provide for competitive bids, ~~term-length~~ term length,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

29 1 and hearings in connection with contracts, except as provided
29 2 in section 12.30. However, the exemption from competitive
29 3 bid laws in this section shall not be construed to apply to
29 4 contracts for the development or construction of facilities in
29 5 the park, including, but not limited to, lodges, campgrounds,
29 6 cabins, and golf courses.

29 7 Sec. 59. Section 468.586, Code 2011, is amended to read as
29 8 follows:

29 9 468.586 Assessment of costs of drainage improvements.

29 10 A county may assess to property within an urban drainage
29 11 district the cost of a drainage improvement within the county
29 12 and drainage facilities extending outside the county. A county
29 13 is empowered to proceed and construct and to assess the cost of
29 14 a drainage improvement within a district in the same manner as
29 15 a city may proceed under ~~division IV of~~ chapter 384, division
29 16 IV, and the provisions of ~~division IV of~~ chapter 384, division
29 17 IV, apply to counties with respect to drainage improvements,
29 18 the assessment of their costs and the issuance of bonds for the
29 19 improvements. A county may contract for a drainage improvement
29 20 within a district under this part pursuant to ~~part 3 of~~
29 21 division III of chapter 331, division III, part 3.

29 22 Sec. 60. Section 499B.17, Code 2011, is amended to read as
29 23 follows:

29 24 499B.17 Lien against owner of unit.

29 25 All sums assessed by the council of co=owners but unpaid
29 26 for the share of the common expenses chargeable to any
29 27 apartment shall constitute a lien on such apartment prior to
29 28 all other liens except only ~~(1)~~ tax liens on the apartment
29 29 in favor of any assessing unit and special district, and ~~(2)~~
29 30 all sums unpaid on a first mortgage of record. Such lien
29 31 may be foreclosed by suit by the council of co=owners or the
29 32 representatives thereof, acting on behalf of the apartment
29 33 owners, in like manner as a mortgage of real property. In the
29 34 event of any such foreclosure, the apartment owner shall be
29 35 required to pay a reasonable rental for the apartment if so



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

30 1 provided in the bylaws, and the plaintiff in such foreclosure
30 2 shall be entitled to the appointment of a receiver to collect
30 3 the same. The council of co=owners or the representatives
30 4 thereof, acting on behalf of the apartment owners, shall have
30 5 power, unless prohibited by the declaration, to bid in the
30 6 apartment at foreclosure sale, and to acquire and hold, lease,
30 7 mortgage and convey the same. Suit to recover a money judgment
30 8 for unpaid common expenses shall be maintainable without
30 9 foreclosing or waiving the lien securing the same.

30 10 Sec. 61. Section 505.28, Code 2011, is amended to read as
30 11 follows:

30 12 505.28 Consent to jurisdiction.

30 13 A person committing any act governed by chapter 502,
30 14 502A, ~~505 this chapter~~, chapters 505A through 523G, or 523I
30 15 constitutes consent by that person to the jurisdiction of the
30 16 commissioner of insurance and the district courts of this
30 17 state.

30 18 Sec. 62. Section 505.29, Code 2011, is amended to read as
30 19 follows:

30 20 505.29 Administrative hearings.

30 21 The commissioner of insurance shall have the authority
30 22 to appoint as a hearing officer a designee or an independent
30 23 administrative law judge. Duties of a hearing officer shall
30 24 include hearing contested cases arising from conduct governed
30 25 by chapters 502, 502A, ~~505 this chapter~~, chapters 505A through
30 26 523G, and 523I. Sections 10A.801 and 17A.11 do not apply to
30 27 the appointment of a designee or an administrative law judge
30 28 pursuant to this section.

30 29 Sec. 63. Section 515E.4, subsection 4, Code 2011, is amended
30 30 to read as follows:

30 31 4. Compliance with unfair ~~claims~~ claim settlement practices
30 32 law. A risk retention group, its agents, and representatives,
30 33 shall comply with the unfair ~~claims~~ claim settlement practices
30 34 law in section 507B.4, subsection 10.

30 35 Sec. 64. Section 533.301, subsection 1, unnumbered



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

31 1 paragraph 1, Code 2011, is amended to read as follows:

31 2 Receive payments for ownership shares, for other shares, or
31 3 as deposits from any or all of the following:

31 4 Sec. 65. Section 535.2, subsection 6, paragraph a, Code
31 5 2011, is amended to read as follows:

31 6 a. Notwithstanding the provisions of 1980 Iowa Acts ~~of the~~
~~31 7 Sixty-eighth General Assembly~~, chapter 1156, with respect to
31 8 any agreement which was executed on or after August 3, 1978,
31 9 and prior to July 1, 1979, and which contained a provision
31 10 for the adjustment of the rate of interest specified in the
31 11 agreement, the maximum lawful rate of interest which may be
31 12 imposed under that agreement shall be that rate which is two
31 13 and one-half percentage points above the rate initially to be
31 14 paid under the agreement, provided that the greatest interest
31 15 rate adjustment which may be made at any one time shall be
31 16 one-half of one percent and an interest rate adjustment may
31 17 not be made until at least one year has passed since the last
31 18 interest rate adjustment, and any excess charge shall be a
31 19 violation of section 535.4.

31 20 Sec. 66. Section 535A.6, subsection 1, Code 2011, is amended
31 21 to read as follows:

31 22 1. Any person who has been aggrieved as a result of a
31 23 violation of sections 535A.1 through 535A.3, this section,
31 24 ~~or sections 535A.6~~ 535A.7 through 535A.9 may bring an action
31 25 in the district court of the county in which the violation
31 26 occurred or in the county where the financial institution
31 27 involved is located.

31 28 Sec. 67. Section 536.19, Code 2011, is amended to read as
31 29 follows:

31 30 536.19 Violations.

31 31 Any person, partnership, association, or corporation and the
31 32 several members, officers, directors, agents, and employees
31 33 thereof, who shall violate or participate in the violation
31 34 of any of the provisions of section 536.1, 536.12, 536.13 or
31 35 536.14, which are not also violations of chapter 537, article



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

32 1 5, part 3, of the Iowa consumer credit code, ~~chapter 537~~, shall
32 2 be guilty of a serious misdemeanor. Violations of the Iowa
32 3 consumer credit code, chapter 537, shall be subject to the
32 4 penalties provided therein.

32 5 Sec. 68. Section 537.3203, Code 2011, is amended to read as
32 6 follows:

32 7 537.3203 Notice to consumer.

32 8 The creditor shall give to the consumer a copy of any
32 9 writing evidencing a consumer credit transaction, other than
32 10 one pursuant to open end credit, if the writing requires or
32 11 provides for signature of the consumer. The writing evidencing
32 12 the consumer's obligation to pay under a consumer credit
32 13 transaction, other than one pursuant to open end credit, shall
32 14 contain a clear and conspicuous notice to the consumer that
32 15 the consumer should not sign it before reading it, that the
32 16 consumer is entitled to a copy of it, and, except in the case
32 17 of a consumer lease, that the consumer is entitled to prepay
32 18 the unpaid balance at any time with such penalty and minimum
32 19 charges as the agreement and section 537.2510 may permit,
32 20 and may be entitled to receive a refund of unearned charges
32 21 in accordance with law. The following notices if clear and
32 22 conspicuous comply with this section:

32 23 1. In all transactions to which this section applies:

32 24 NOTICE TO CONSUMER:

32 25 1. Do not sign this paper before you read it.

32 26 2. You are entitled to a copy of this paper.

32 27 3. You may prepay the unpaid balance at any time without
32 28 penalty and may be entitled to receive a refund of unearned
32 29 charges in accordance with law.

32 30 2. In addition, in a transaction in which a minimum charge
32 31 will be collected or retained, the notice to consumer shall
32 32 state:

32 33 4. If you prepay the unpaid balance, you may have to pay a
32 34 minimum charge not greater than seven dollars and fifty cents.

32 35 Sec. 69. Section 572.13, subsection 2, Code 2011, is amended



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

33 1 to read as follows:

33 2 2. a. An original contractor who enters into a contract
33 3 for an owner-occupied dwelling and who has contracted or will
33 4 contract with a subcontractor to provide labor or furnish
33 5 material for the dwelling shall include the following notice in
33 6 any written contract with the owner and shall provide the owner
33 7 with a copy of the written contract:

33 8 Persons or companies furnishing labor or materials for the
33 9 improvement of real property may enforce a lien upon the
33 10 improved property if they are not paid for their contributions,
33 11 even if the parties have no direct contractual relationship
33 12 with the owner.

33 13 b. If no written contract is entered into between the
33 14 original contractor and the dwelling owner, the original
33 15 contractor shall, within ten days of commencement of work on
33 16 the dwelling, provide written notice to the dwelling owner
33 17 stating the name and address of all subcontractors that the
33 18 contractor intends to use for the construction and, that
33 19 the subcontractors or suppliers may have lien rights in the
33 20 event they are not paid for their labor or material used on
33 21 this site; and the notice shall be updated as additional
33 22 subcontractors and suppliers are used from the names disclosed
33 23 on earlier notices.

33 24 c. An original contractor who fails to provide notice under
33 25 this section is not entitled to the lien and remedy provided by
33 26 this chapter.

33 27 Sec. 70. Section 617.3, subsection 3, Code 2011, is amended
33 28 to read as follows:

33 29 3. Service of such process or original notice shall be made
33 30 ~~(1)~~ by filing duplicate copies of said process or original
33 31 notice with said secretary of state, together with a fee of
33 32 ten dollars, and ~~(2)~~ by mailing to the defendant and to each
33 33 of them if more than one, by registered or certified mail, a
33 34 notification of said filing with the secretary of state, the
33 35 same to be so mailed within ten days after such filing with the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

34 1 secretary of state. Such notification shall be mailed to each
34 2 foreign corporation at the address of its principal office in
34 3 the state or country under the laws of which it is incorporated
34 4 and to each such nonresident person at an address in the state
34 5 of residence. The defendant shall have sixty days from the
34 6 date of such filing with the secretary of state within which
34 7 to appear. Proof of service shall be made by filing in court
34 8 the duplicate copy of the process or original notice with the
34 9 secretary of state's certificate of filing, and the affidavit
34 10 of the plaintiff or the plaintiff's attorney of compliance
34 11 herewith.

34 12 Sec. 71. Section 622.62, subsection 3, Code 2011, is amended
34 13 to read as follows:

34 14 3. The actions of any court of this state in taking judicial
34 15 notice of the existence and content of a city ordinance in any
34 16 proceeding which was commenced between the first day of July,
34 17 1973, and April 17, 1976, shall be conclusively presumed to
34 18 be lawful, and to the extent required by this section, this
34 19 section is retroactive.

34 20 Sec. 72. Section 631.17, subsection 1, paragraph c, Code
34 21 2011, is amended to read as follows:

34 22 c. A pattern of conduct in violation of ~~article 7 of~~ chapter
34 23 537, article 7.

34 24 Sec. 73. Section 633.279, subsection 2, Code 2011, is
34 25 amended to read as follows:

34 26 2. Self=proved will.

34 27 a. An attested will may be made self=proved at the time of
34 28 its execution, or at any subsequent date, by the acknowledgment
34 29 thereof by the testator and the affidavits of the witnesses,
34 30 each made before a person authorized to administer oaths
34 31 and take acknowledgments under the laws of this state, and
34 32 evidenced by such person's certificate, under seal, attached
34 33 or annexed to the will, in form and content substantially as
34 34 follows:

34 35 Affidavit



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

35 1 State of)
35 2 County of) ss
35 3 We, the undersigned,, and, the
35 4 testator and the witnesses, respectively, whose names are
35 5 signed to the attached or foregoing instrument, being first
35 6 duly sworn, declare to the undersigned authority that said
35 7 instrument is the testator's will and that the testator
35 8 willingly signed and executed such instrument, or expressly
35 9 directed another to sign the same in the presence of the
35 10 witnesses, as a free and voluntary act for the purposes therein
35 11 expressed; that said witnesses, and each of them, declare to
35 12 the undersigned authority that such will was executed and
35 13 acknowledged by the testator as the testator's will in their
35 14 presence and that they, in the testator's presence, at the
35 15 testator's request, and in the presence of each other, did
35 16 subscribe their names thereto as attesting witnesses on the
35 17 date of the date of such will; and that the testator, at the
35 18 time of the execution of such instrument, was of full age and
35 19 of sound mind and that the witnesses were sixteen years of age
35 20 or older and otherwise competent to be witnesses.
35 21
35 22 Testator
35 23
35 24 Witness
35 25
35 26 Witness
35 27 Subscribed, sworn and acknowledged before me by,
35 28 the testator; and subscribed and sworn before me by
35 29 and, witnesses, this ... day of (month), ...
35 30 (year)
35 31
35 32 Notary Public, or other officer
35 33 (Seal) authorized to take and certify
35 34 acknowledgments and
35 35 administer oaths



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

36 1 b. A self=proved will shall constitute proof of due
36 2 execution of such instrument as required by section 633.293 and
36 3 may be admitted to probate without testimony of witnesses.
36 4 Sec. 74. Section 633.675, Code 2011, is amended to read as
36 5 follows:
36 6 633.675 Cause for termination.
36 7 1. A guardianship shall cease, and a conservatorship
36 8 shall terminate, upon the occurrence of any of the following
36 9 circumstances:
36 10 ~~1-~~ a. If the ward is a minor, when the ward reaches full
36 11 age.
36 12 ~~2-~~ b. The death of the ward.
36 13 ~~3-~~ c. A determination by the court that the ward is no
36 14 longer a person whose decision=making capacity is so impaired
36 15 as to bring the ward within the categories of section 633.552,
36 16 subsection 2, paragraph "a", or section 633.566, subsection 2,
36 17 paragraph "a". In a proceeding to terminate a guardianship or
36 18 a conservatorship, the ward shall make a prima facie showing
36 19 that the ward has some decision=making capacity. Once the
36 20 ward has made that showing, the guardian or conservator has
36 21 the burden to prove by clear and convincing evidence that the
36 22 ward's decision=making capacity is so impaired, as provided
36 23 in section 633.552, subsection 2, paragraph "a", or section
36 24 633.566, subsection 2, paragraph "a", that the guardianship or
36 25 conservatorship should not be terminated.
36 26 ~~4-~~ d. Upon determination by the court that the
36 27 conservatorship or guardianship is no longer necessary for any
36 28 other reason.
36 29 ~~5-~~ 2. Notwithstanding ~~subsections 1~~ subsection 1,
36 30 paragraphs "a" through 4 "d", if the court appointed a guardian
36 31 for a minor child for whom the court's jurisdiction over the
36 32 child's guardianship was established pursuant to transfer of
36 33 the child's case in accordance with section 232.104, the court
36 34 shall not enter an order terminating the guardianship before
36 35 the child becomes age eighteen unless the court finds by clear



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

37 1 and convincing evidence that the best interests of the child
37 2 warrant a return of custody to the child's parent.

37 3 Sec. 75. Section 633.707, subsection 4, Code 2011, is
37 4 amended to read as follows:

37 5 4. The extent to which the respondent has ties to the
37 6 state such as ~~voting~~ voter registration, state or local tax
37 7 return filing, vehicle registration, driver's license, social
37 8 ~~relationship~~ relationships, and receipt of services.

37 9 Sec. 76. Section 642.5, Code 2011, is amended to read as
37 10 follows:

37 11 642.5 Sheriff may take answers.

37 12 1. When the plaintiff, in writing, directs the sheriff to
37 13 take the answer of the garnishee, the sheriff shall put to the
37 14 garnishee the following questions:

37 15 1. Are you in any manner indebted to the defendant in this
37 16 suit, or do you owe the defendant money or property which is
37 17 not yet due? If so, state the particulars.

37 18 2. Have you in your possession or under your control any
37 19 property, rights, or credits of the said defendants? If so,
37 20 what is the value of the same? State all particulars.

37 21 3. Do you know of any debts owing the said defendant,
37 22 whether due or not due, or any property, rights, or credits
37 23 belonging to the defendant and now in the possession or under
37 24 the control of others? If so, state the particulars.

37 25 4. Do you compensate the defendant in this suit for any
37 26 personal services whether denominated as wages, salary,
37 27 commission, bonus or otherwise, including periodic payments
37 28 pursuant to a pension or retirement program? If so, state the
37 29 amount of the compensation reasonably anticipated to be paid
37 30 defendant during the calendar year.

37 31 2. The sheriff shall append the examination to the sheriff's
37 32 return.

37 33 Sec. 77. Section 642.21, subsection 1, unnumbered paragraph
37 34 1, Code 2011, is amended to read as follows:

37 35 The disposable earnings of an individual are exempt from



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

38 1 garnishment to the extent provided by the federal Consumer
38 2 Credit Protection Act, ~~Title~~ Tit. III, 15 U.S.C. { 1671 = 1677
38 3 (1982). The maximum amount of an employee's earnings which
38 4 may be garnished during any one calendar year is two hundred
38 5 fifty dollars for each judgment creditor, except as provided
38 6 in chapter 252D and sections 598.22, 598.23, and 627.12, or
38 7 when those earnings are reasonably expected to be in excess of
38 8 twelve thousand dollars for that calendar year as determined
38 9 from the answers taken by the sheriff or by the court pursuant
38 10 to section 642.5, ~~subsection 4~~ question number four. When the
38 11 employee's earnings are reasonably expected to be more than
38 12 twelve thousand dollars the maximum amount of those earnings
38 13 which may be garnished during a calendar year for each creditor
38 14 is as follows:

38 15 Sec. 78. Section 692A.118, subsection 11, Code 2011, is
38 16 amended to read as follows:

38 17 11. When the department has a reasonable basis to believe
38 18 that a sex offender has changed residence to an unknown
38 19 location, has become a fugitive from justice, or ~~who~~ has
38 20 otherwise taken flight, the department shall make a reasonable
38 21 effort to ascertain the whereabouts of the offender, and if
38 22 such effort fails to identify the location of the offender, an
38 23 appropriate notice shall be made on the sex offender registry
38 24 internet site of this state and shall be transmitted to the
38 25 national sex offender registry. The department shall notify
38 26 other law enforcement agencies as deemed appropriate.

38 27 Sec. 79. Section 904.312B, Code 2011, is amended to read as
38 28 follows:

38 29 904.312B Purchase of ~~bio-based~~ biobased hydraulic fluids,
38 30 greases, and other industrial lubricants.

38 31 The department when purchasing hydraulic fluids, greases,
38 32 and other industrial lubricants shall give preference to
38 33 purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and
38 34 other industrial lubricants as provided in section 8A.316.

38 35 Sec. 80. CODE EDITOR DIRECTIVE. Section 135.80 shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

39 1 transferred to new section 135.180.

39 2 Sec. 81. 2010 Iowa Acts, chapter 1192, section 78, is
39 3 amended by striking the section and inserting in lieu thereof
39 4 the following:

39 5 SEC. 78. Section 135N.3, subsection 2, unnumbered paragraph
39 6 1, Code 2009, is amended to read as follows:

39 7 The committee shall review and make recommendations to the
39 8 ~~director~~ center for congenital and inherited disorders advisory
39 9 committee established by rule of the department pursuant to
39 10 chapter 136A concerning but not limited to the following:

39 11

DIVISION II

39 12

VOLUME IV RENUMBERINGS

39 13 Sec. 82. Section 422.60, subsection 2, Code 2011, is amended
39 14 to read as follows:

39 15 2. a. In addition to all taxes imposed under this division,
39 16 there is imposed upon each financial institution doing business
39 17 within the state the greater of the tax determined in section
39 18 422.63 or the state alternative minimum tax equal to sixty
39 19 percent of the maximum state franchise tax rate, rounded to
39 20 the nearest one-tenth of one percent, of the state alternative
39 21 minimum taxable income of the taxpayer computed under this
39 22 subsection.

39 23 b. The state alternative minimum taxable income of a
39 24 taxpayer is equal to the taxpayer's state taxable income as
39 25 computed with the adjustments in section 422.61, subsection 3,
39 26 and with the following adjustments:

39 27 ~~a.~~ (1) Add items of tax preference included in federal
39 28 alternative minimum taxable income under section 57, except
39 29 subsections (a)(1) and (a)(5), of the Internal Revenue Code,
39 30 make the adjustments included in federal alternative minimum
39 31 taxable income under section 56, except subsections (a)(4),
39 32 (c)(1), (d), and (g), of the Internal Revenue Code, and add
39 33 losses as required by section 58 of the Internal Revenue Code.

39 34 ~~b.~~ (2) Make the adjustments provided in section 56(c)(1)
39 35 of the Internal Revenue Code, except that in making the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

40 1 calculation under section 56(g)(1) of the Internal Revenue Code
40 2 the state alternative minimum taxable income, computed without
40 3 regard to the adjustments made by this ~~paragraph~~ subparagraph,
40 4 the exemption provided for in ~~paragraph "d"~~ subparagraph (4),
40 5 and the state alternative tax net operating loss described in
40 6 ~~paragraph "e"~~ subparagraph (5), shall be substituted for the
40 7 items described in section 56(g)(1)(B) of the Internal Revenue
40 8 Code.

40 9 ~~e.~~ (3) Apply the allocation and apportionment provisions
40 10 of section 422.63.

40 11 ~~d.~~ (4) Subtract an exemption amount of forty thousand
40 12 dollars. This exemption amount shall be reduced, but not
40 13 below zero, by an amount equal to twenty-five percent of the
40 14 amount by which the alternative minimum taxable income of the
40 15 taxpayer, computed without regard to the exemption amount in
40 16 this ~~paragraph~~ subparagraph, exceeds one hundred fifty thousand
40 17 dollars.

40 18 ~~e.~~ (5) In the case of a net operating loss beginning
40 19 after December 31, 1986, which is carried back or carried
40 20 forward to the current taxable year, the net operating loss
40 21 shall be reduced by the amount of items of tax preference
40 22 and adjustments arising in the tax year which was taken into
40 23 account in computing the net operating loss in section 422.35,
40 24 subsection 11. The deduction for a net operating loss for a
40 25 tax year beginning after December 31, 1986, which is carried
40 26 back or carried forward to the current taxable year shall not
40 27 exceed ninety percent of the alternative minimum taxable income
40 28 determined without regard for the net operating loss deduction.

40 29 Sec. 83. Section 422D.1, subsections 1 and 2, Code 2011, are
40 30 amended to read as follows:

40 31 1. a. A county board of supervisors may offer for voter
40 32 approval any of the following taxes or a combination of the
40 33 following taxes:

40 34 ~~a.~~ (1) Local option income surtax.

40 35 ~~b.~~ (2) An ad valorem property tax.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

41 1 b. Revenues generated from these taxes shall be used for
41 2 emergency medical services as provided in section 422D.6.
41 3 2. a. The taxes for emergency medical services shall only
41 4 be imposed after an election at which a majority of those
41 5 voting on the question of imposing the tax or combination of
41 6 taxes specified in subsection 1, paragraph "a", subparagraph
41 7 (1) or ~~"b"~~ (2), vote in favor of the question. However, the
41 8 tax or combination of taxes specified in subsection 1 shall not
41 9 be imposed on property within or on residents of a benefited
41 10 emergency medical services district under chapter 357F. The
41 11 question of imposing the tax or combination of the taxes may
41 12 be submitted at the regular city election, a special election,
41 13 or state general election. Notice of the question shall be
41 14 provided by publication at least sixty days before the time
41 15 of the election and shall identify the tax or combination of
41 16 taxes and the rate or rates, as applicable. If a majority of
41 17 those voting on the question approve the imposition of the tax
41 18 or combination of taxes, the tax or combination of taxes shall
41 19 be imposed as follows:
41 20 ~~a.~~ (1) A local option income surtax shall be imposed for
41 21 tax years beginning on or after January 1 of the fiscal year in
41 22 which the favorable election was held.
41 23 ~~b.~~ (2) An ad valorem property tax shall be imposed for the
41 24 fiscal year in which the election was held.
41 25 b. Before a county imposes an income surtax as specified
41 26 in subsection 1, paragraph "a", subparagraph (1), a benefited
41 27 emergency medical services district in the county shall be
41 28 dissolved, and the county shall be liable for the outstanding
41 29 obligations of the benefited district. If the benefited
41 30 district extends into more than one county, the county imposing
41 31 the income surtax shall be liable for only that portion of the
41 32 obligations relating to the portion of the benefited district
41 33 in the county.
41 34 Sec. 84. Section 423.1, subsections 35 and 36, Code 2011,
41 35 are amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

42 1 35. "Place of business" means any warehouse, store,
42 2 place, office, building, or structure where goods, wares, or
42 3 merchandise are offered for sale at retail or where any taxable
42 4 amusement is conducted, or each office where gas, water,
42 5 heat, communication, or electric services are offered for
42 6 sale at retail. When a retailer or amusement operator sells
42 7 merchandise by means of vending machines or operates music or
42 8 amusement devices by coin-operated machines at more than one
42 9 location within the state, the office, building, or place where
42 10 the books, papers, and records of the taxpayer are kept shall
42 11 be deemed to be the taxpayer's place of business.
42 12 ~~When a retailer or amusement operator sells merchandise~~
42 13 ~~by means of vending machines or operates music or amusement~~
42 14 ~~devices by coin-operated machines at more than one location~~
42 15 ~~within the state, the office, building, or place where the~~
42 16 ~~books, papers, and records of the taxpayer are kept shall be~~
42 17 ~~deemed to be the taxpayer's place of business.~~
42 18 36. "Prewritten computer software" includes software
42 19 designed and developed by the author or other creator to the
42 20 specifications of a specific purchaser when it is sold to a
42 21 person other than the purchaser. The combining of two or more
42 22 prewritten computer software programs or prewritten portions
42 23 of prewritten programs does not cause the combination to be
42 24 other than prewritten computer software. "Prewritten computer
42 25 software" also means computer software, including prewritten
42 26 upgrades, which is not designed and developed by the author or
42 27 other creator to the specifications of a specific purchaser.
42 28 When a person modifies or enhances computer software of which
42 29 the person is not the author or creator, the person shall
42 30 be deemed to be the author or creator only of such person's
42 31 modifications or enhancements. Prewritten computer software
42 32 or a prewritten portion of the prewritten software that is
42 33 modified or enhanced to any degree, when such modification or
42 34 enhancement is designed and developed to the specifications of
42 35 a specific purchaser, remains prewritten computer software.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

43 1 However, when there is a reasonable, separately stated
43 2 charge or an invoice or other statement of the price given
43 3 to the purchaser for such modification or enhancement, such
43 4 modification or enhancement shall not constitute prewritten
43 5 computer software.

~~43 6 When a person modifies or enhances computer software of
43 7 which the person is not the author or creator, the person shall
43 8 be deemed to be the author or creator only of such person's
43 9 modifications or enhancements. Prewritten computer software
43 10 or a prewritten portion of the prewritten software that is
43 11 modified or enhanced to any degree, when such modification or
43 12 enhancement is designed and developed to the specifications of
43 13 a specific purchaser, remains prewritten computer software.
43 14 However, when there is a reasonable, separately stated
43 15 charge or an invoice or other statement of the price given
43 16 to the purchaser for such modification or enhancement, such
43 17 modification or enhancement shall not constitute prewritten
43 18 computer software.~~

43 19 Sec. 85. Section 423.3, subsection 60, unnumbered
43 20 paragraphs 1 and 2, Code 2011, are amended to read as follows:
43 21 The sales price from the sale or rental of prescription
43 22 drugs, durable medical equipment, mobility enhancing equipment,
43 23 prosthetic devices, and other medical devices intended for
43 24 human use or consumption. For the purposes of this subsection:
43 25 ~~For the purposes of this subsection:~~
43 26 Sec. 86. Section 423.3, subsection 68, paragraph c,
43 27 subparagraph (1), Code 2011, is amended to read as follows:
43 28 (1) "Clothing" means all human wearing apparel suitable for
43 29 general use.
43 30 (a) "Clothing" includes but is not limited to the
43 31 following: aprons, household and shop; athletic supporters;
43 32 baby receiving blankets; bathing suits and caps; beach capes
43 33 and coats; belts and suspenders; boots; coats and jackets;
43 34 costumes; diapers (children and adults, including disposable
43 35 diapers); earmuffs; footlets; formal wear; garters and garter



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

44 1 belts; girdles; gloves and mittens for general use; hats
44 2 and caps; hosiery; insoles for shoes; lab coats; neckties;
44 3 overshoes; pantyhose; rainwear; rubber pants; sandals;
44 4 scarves; shoes and shoelaces; slippers; sneakers; socks and
44 5 stockings; steel-toed shoes; underwear; uniforms, athletic and
44 6 nonathletic; and wedding apparel.
44 7 (b) "Clothing" does not include the following: belt
44 8 buckles sold separately; costume masks sold separately; patches
44 9 and emblems sold separately; sewing equipment and supplies
44 10 (including but not limited to knitting needles, patterns, pins,
44 11 scissors, sewing machines, sewing needles, tape measures, and
44 12 thimbles); and sewing materials that become part of clothing
44 13 (including but not limited to buttons, fabric, lace, thread,
44 14 yarn, and zippers).
44 15 Sec. 87. Section 423.3, subsection 77, Code 2011, is amended
44 16 to read as follows:
44 17 77. a. The sales price from the sale of aircraft to an
44 18 aircraft dealer who in turn rents or leases the aircraft if all
44 19 of the following apply:
44 20 a. (1) The aircraft is kept in the inventory of the dealer
44 21 for sale at all times.
44 22 b. (2) The dealer reserves the right to immediately take
44 23 the aircraft from the renter or lessee when a buyer is found.
44 24 c. (3) The renter or lessee is aware that the dealer will
44 25 immediately take the aircraft when a buyer is found.
44 26 b. If an aircraft exempt under this subsection is used for
44 27 any purpose other than leasing or renting, or the conditions
44 28 in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1),
44 29 (2), and (3), are not continuously met, the dealer claiming
44 30 the exemption under this subsection is liable for the tax that
44 31 would have been due except for this subsection. The tax shall
44 32 be computed upon the original purchase price.
44 33 Sec. 88. Section 423.6, subsection 15, Code 2011, is amended
44 34 to read as follows:
44 35 15. a. Aircraft sold to an aircraft dealer who in turn



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

45 1 rents or leases the aircraft if all of the following apply:
45 2 ~~a.~~ (1) The aircraft is kept in the inventory of the dealer
45 3 for sale at all times.
45 4 ~~b.~~ (2) The dealer reserves the right to immediately take
45 5 the aircraft from the renter or lessee when a buyer is found.
45 6 ~~c.~~ (3) The renter or lessee is aware that the dealer will
45 7 immediately take the aircraft when a buyer is found.
45 8 b. If an aircraft exempt under this subsection is used for
45 9 any purpose other than leasing or renting, or the conditions
45 10 in ~~paragraphs~~ paragraph "a", "b", and "c" subparagraphs (1),
45 11 (2), and (3), are not continuously met, the dealer claiming
45 12 the exemption under this subsection is liable for the tax that
45 13 would have been due except for this subsection. The tax shall
45 14 be computed upon the original purchase price.
45 15 Sec. 89. Section 425.17, subsection 2, Code 2011, is amended
45 16 to read as follows:
45 17 2. a. "Claimant" means either of the following:
45 18 ~~a.~~ (1) A person filing a claim for credit or reimbursement
45 19 under this division who has attained the age of sixty=five
45 20 years on or before December 31 of the base year or who is
45 21 totally disabled and was totally disabled on or before December
45 22 31 of the base year and is domiciled in this state at the time
45 23 the claim is filed or at the time of the person's death in the
45 24 case of a claim filed by the executor or administrator of the
45 25 claimant's estate.
45 26 ~~b.~~ (2) A person filing a claim for credit or reimbursement
45 27 under this division who has attained the age of twenty=three
45 28 years on or before December 31 of the base year or was a head
45 29 of household on December 31 of the base year, as defined in
45 30 the Internal Revenue Code, but has not attained the age or
45 31 disability status described in paragraph "a", subparagraph (1),
45 32 and is domiciled in this state at the time the claim is filed or
45 33 at the time of the person's death in the case of a claim filed
45 34 by the executor or administrator of the claimant's estate, and
45 35 was not claimed as a dependent on any other person's tax return



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

46 1 for the base year.

46 2 b. "Claimant" under paragraph "a", subparagraph (1) or ~~"b"~~
46 3 ~~(2)~~, includes a vendee in possession under a contract for deed
46 4 and may include one or more joint tenants or tenants in common.
46 5 In the case of a claim for rent constituting property taxes
46 6 paid, the claimant shall have rented the property during any
46 7 part of the base year. In the case of a claim for property
46 8 taxes due, the claimant shall have occupied the property during
46 9 any part of the fiscal year beginning July 1 of the base year.
46 10 If a homestead is occupied by two or more persons, and more
46 11 than one person is able to qualify as a claimant, the persons
46 12 may each file a claim based upon each person's income and rent
46 13 constituting property taxes paid or property taxes due.

46 14 Sec. 90. Section 435.22, Code 2011, is amended to read as
46 15 follows:

46 16 435.22 Annual tax ==== credit.

46 17 1. The owner of each mobile home or manufactured home
46 18 located within a manufactured home community or mobile home
46 19 park shall pay to the county treasurer an annual tax. However,
46 20 when the owner is any educational institution and the home
46 21 is used solely for student housing or when the owner is the
46 22 state of Iowa or a subdivision of the state, the owner shall
46 23 be exempt from the tax. The annual tax shall be computed as
46 24 follows:

46 25 ~~1.~~ a. Multiply the number of square feet of floor space
46 26 each home contains when parked and in use by twenty cents. In
46 27 computing floor space, the exterior measurements of the home
46 28 shall be used as shown on the certificate of title, but not
46 29 including any area occupied by a hitching device.

46 30 ~~2.~~ b. (1) If the owner of the home is an Iowa resident,
46 31 has attained the age of twenty=three years on or before
46 32 December 31 of the base year, and has an income when included
46 33 with that of a spouse which is less than eight thousand five
46 34 hundred dollars per year, the annual tax shall not be imposed
46 35 on the home. If the income is eight thousand five hundred



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

47 1 dollars or more but less than sixteen thousand five hundred

47 2 dollars, the annual tax shall be computed as follows:

47 3 If the Household Annual Tax Per

47 4 Income is: Square Foot:

47 5 \$ 8,500 ==== 9,499.99 3.0 cents

47 6 9,500 ==== 10,499.99 6.0

47 7 10,500 ==== 12,499.99 10.0

47 8 12,500 ==== 14,499.99 13.0

47 9 14,500 ==== 16,499.99 15.0

47 10 (2) For purposes of this ~~subsection~~ paragraph "b", "income"

47 11 means income as defined in section 425.17, subsection 7, and

47 12 "base year" means the calendar year preceding the year in which

47 13 the claim for a reduced rate of tax is filed. The home reduced

47 14 rate of tax shall only be allowed on the home in which the

47 15 claimant is residing at the time the claim for a reduced rate

47 16 of tax is filed or was residing at the time of the claimant's

47 17 death in the case of a claim filed on behalf of a deceased

47 18 claimant by the claimant's legal guardian, spouse, or attorney,

47 19 or by the executor or administrator of the claimant's estate.

47 20 (3) Beginning with the 1998 base year, the income dollar

47 21 amounts set forth in this ~~subsection~~ paragraph "b" shall be

47 22 multiplied by the cumulative adjustment factor for that base

47 23 year as determined in section 425.23, subsection 4.

47 24 ~~3.~~ 2. The amount thus computed shall be the annual tax for
47 25 all homes, except as follows:

47 26 a. For the sixth through ninth years after the year of

47 27 manufacture the annual tax is ninety percent of the tax

47 28 computed according to subsection 1, paragraph "a" or ~~2 of this~~

~~47 29 section "b",~~ whichever is applicable.

47 30 b. For all homes ten or more years after the year of

47 31 manufacture the annual tax is eighty percent of the tax

47 32 computed according to subsection 1, paragraph "a" or ~~2 of this~~

~~47 33 section "b",~~ whichever is applicable.

47 34 ~~4.~~ 3. The tax shall be figured to the nearest even whole

47 35 dollar.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

48 1 ~~5.~~ 4. a. A claim for credit for manufactured or mobile
48 2 home tax due shall not be paid or allowed unless the claim is
48 3 actually filed with the county treasurer between January 1 and
48 4 June 1, both dates inclusive, immediately preceding the fiscal
48 5 year during which the home taxes are due. However, in case of
48 6 sickness, absence, or other disability of the claimant, or if
48 7 in the judgment of the county treasurer good cause exists, the
48 8 county treasurer may extend the time for filing a claim for
48 9 credit through September 30 of the same calendar year. The
48 10 county treasurer shall certify to the director of revenue on or
48 11 before November 15 each year the total dollar amount due for
48 12 claims allowed.

48 13 b. The forms for filing the claim shall be provided by the
48 14 department of revenue. The forms shall require information as
48 15 determined by the department.

48 16 c. In case of sickness, absence, or other disability of the
48 17 claimant or if, in the judgment of the director of revenue,
48 18 good cause exists and the claimant requests an extension, the
48 19 director may extend the time for filing a claim for credit
48 20 or reimbursement. However, any further time granted shall
48 21 not extend beyond December 31 of the year in which the claim
48 22 was required to be filed. Claims filed as a result of this
48 23 paragraph shall be filed with the director who shall provide
48 24 for the reimbursement of the claim to the claimant.

48 25 d. The director of revenue shall certify the amount due to
48 26 each county, which amount shall be the dollar amount which will
48 27 not be collected due to the granting of the reduced tax rate
48 28 under subsection ~~2~~ 1, paragraph "b".

48 29 e. The amounts due each county shall be paid by the
48 30 department of revenue on December 15 of each year, drawn upon
48 31 warrants payable to the respective county treasurers. The
48 32 county treasurer in each county shall apportion the payment in
48 33 accordance with section 435.25.

48 34 f. There is appropriated annually from the general fund of
48 35 the state to the department of revenue an amount sufficient to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

49 1 carry out this subsection.

49 2 Sec. 91. Section 437A.3, subsection 1, Code 2011, is amended
49 3 to read as follows:

49 4 1. a. "Assessed value" means the base year assessed value,
49 5 as adjusted by section 437A.19, subsection 2.

49 6 (1) "Base year assessed value", for a taxpayer other than an
49 7 electric company, natural gas company, or electric cooperative,
49 8 means the value attributable to property identified in
49 9 section 427A.1, subsection 1, paragraph "h", certified by the
49 10 department of revenue to the county auditors for the assessment
49 11 date of January 1, 1997, and the value attributable to property
49 12 identified in section 427A.1 and section 427B.17, subsection
49 13 5, as certified by the local assessors to the county auditors
49 14 for the assessment date of January 1, 1997, provided, that
49 15 for a taxpayer subject to section 437A.17A, such value shall
49 16 be the value certified by the department of revenue and local
49 17 assessors to the county auditors for the assessment date of
49 18 January 1, 1998.

49 19 (2) However, "base year assessed value", for purposes
49 20 of property of a taxpayer that is a municipal utility, if
49 21 the property is not a major addition, and the property was
49 22 initially assessed to the taxpayer as of January 1, 1998, and
49 23 is not located in a county where the taxpayer had property
49 24 that was assessed for purposes of this chapter as of January
49 25 1, 1997, means the value attributable to such property for the
49 26 assessment date of January 1, 1998.

49 27 (3) For taxpayers that are electric companies, natural
49 28 gas companies, and electric cooperatives, "base year assessed
49 29 value" means the average of the total of these values for each
49 30 taxpayer for the assessment dates of January 1, 1993, through
49 31 January 1, 1997, allocated among taxing districts in proportion
49 32 to the allocation of the taxpayer's January 1, 1998, assessed
49 33 value among taxing districts.

49 34 (4) "Base year assessed value" does not include value
49 35 attributable to steam=operating property.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

50 1 b. For new cogeneration facilities, the assessed value shall
50 2 be determined as provided in section 437A.16A.

50 3 Sec. 92. Section 437A.4, subsection 8, Code 2011, is amended
50 4 to read as follows:

50 5 8. a. If for any tax year after calendar year 1998, the
50 6 total taxable kilowatt=hours of electricity required to be
50 7 reported by taxpayers pursuant to section 437A.8, subsection 1,
50 8 paragraphs "a" and "b", with respect to any electric competitive
50 9 service area, increases or decreases by more than the threshold
50 10 percentage from the average of the base year amounts for that
50 11 electric competitive service area during the immediately
50 12 preceding five calendar years, the tax rate imposed under
50 13 subsection 1, paragraph "a", and subsection 2, for that tax
50 14 year shall be recalculated by the director for that electric
50 15 competitive service area so that the total of the replacement
50 16 electric delivery taxes required to be reported pursuant to
50 17 section 437A.8, subsection 1, paragraph "e", for that electric
50 18 competitive service area with respect to the tax imposed under
50 19 subsection 1, paragraph "a", and subsection 2, shall be as
50 20 follows:

50 21 ~~a.~~ (1) If the number of kilowatt=hours of electricity
50 22 required to be reported increased by more than the threshold
50 23 percentage, one hundred two percent of such taxes required to
50 24 be reported by taxpayers for that electric competitive service
50 25 area for the immediately preceding tax year.

50 26 ~~b.~~ (2) If the number of kilowatt=hours of electricity
50 27 required to be reported decreased by more than the threshold
50 28 percentage, ninety=eight percent of such taxes required to be
50 29 reported by taxpayers for that electric competitive service
50 30 area for the immediately preceding tax year.

50 31 b. For purposes of ~~paragraphs "a" and "b"~~ paragraph
50 32 "a", subparagraphs (1) and (2), in computing the tax rate
50 33 under subsection 1, paragraph "a", and subsection 2, for tax
50 34 year 1999, the director shall use the electric delivery tax
50 35 component computed for the electric competitive service area



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

51 1 pursuant to subsection 3, paragraph "c", in lieu of the taxes
51 2 required to be reported for that electric competitive service
51 3 area for the immediately preceding tax year.

51 4 c. The threshold percentage shall be determined annually
51 5 and shall be eight percent for any electric competitive
51 6 service area in which the average of the base year amounts
51 7 for the preceding five calendar years does not exceed three
51 8 billion kilowatt=hours, and ten percent for all other electric
51 9 competitive service areas.

51 10 d. Any such recalculation of an electric delivery tax rate,
51 11 if required, shall be made and the new rate shall be published
51 12 in the Iowa administrative bulletin by the director by no
51 13 later than May 31 following the tax year. The director shall
51 14 adjust the tentative replacement tax imposed by subsection
51 15 1, paragraph "a", and subsection 2 required to be shown on
51 16 any affected taxpayer's return pursuant to section 437A.8,
51 17 subsection 1, paragraph "e", to reflect the adjusted delivery
51 18 tax rate for the tax year, and report such adjustment to the
51 19 affected taxpayer on or before June 30 following the tax year.
51 20 The new electric delivery tax rate shall apply prospectively,
51 21 until such time as further adjustment is required.

51 22 e. For purposes of this section, "base year amount" means
51 23 for calendar years prior to tax year 1999, the sum of the
51 24 kilowatt=hours of electricity delivered to consumers within an
51 25 electric competitive service area by the taxpayer principally
51 26 serving such electric competitive service area which would
51 27 have been subject to taxation under this section had this
51 28 section been in effect for those years; and for tax years after
51 29 calendar year 1998, the taxable kilowatt=hours of electricity
51 30 required to be reported by taxpayers pursuant to section
51 31 437A.8, subsection 1, paragraphs "a" and "b", with respect to
51 32 any electric competitive service area.

51 33 Sec. 93. Section 437A.5, subsection 8, paragraph c, Code
51 34 2011, is amended to read as follows:

51 35 c. (1) For purposes of paragraphs "a" and "b", in computing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

52 1 the tax rate under subsection 1, paragraph "a", and subsection
52 2 2 for calendar year 1999, the director shall use the average
52 3 centrally assessed property tax liability allocated to natural
52 4 gas service computed for the natural gas competitive service
52 5 area pursuant to subsection 3, paragraph "a", in lieu of the
52 6 taxes required to be reported for that natural gas competitive
52 7 service area for the immediately preceding tax year.
52 8 (2) The threshold percentage shall be determined annually
52 9 and shall be eight percent for any natural gas competitive
52 10 service area in which the average of the base year amounts for
52 11 the preceding five calendar years does not exceed two hundred
52 12 fifty million therms, and ten percent for all other natural gas
52 13 competitive service areas.
52 14 (3) Recalculation of a natural gas delivery tax rate, if
52 15 required, shall be made and the new rate published in the Iowa
52 16 administrative bulletin by the director by no later than May
52 17 31 following the tax year. The director shall adjust the
52 18 tentative replacement tax imposed by subsection 1, paragraph
52 19 "a", and subsection 2 required to be shown on any affected
52 20 taxpayer's return pursuant to section 437A.8, subsection 1,
52 21 paragraph "e", to reflect the adjusted delivery tax rate for the
52 22 tax year, and report such adjustment to the affected taxpayer
52 23 on or before June 30 following the tax year. The new natural
52 24 gas delivery tax rate shall apply prospectively, until such
52 25 time as further adjustment is required.
52 26 (4) For purposes of this subsection, "base year amount"
52 27 means for calendar years prior to tax year 1999, the sum of the
52 28 therms of natural gas delivered to consumers within a natural
52 29 gas competitive service area by the taxpayer principally
52 30 serving such natural gas competitive service area which would
52 31 have been subject to taxation under this section had this
52 32 section been in effect for those years; and for tax years
52 33 after calendar year 1998, the taxable therms of natural gas
52 34 required to be reported by taxpayers pursuant to section
52 35 437A.8, subsection 1, paragraphs "a" and "b", with respect to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

53 1 any natural gas competitive service area.

53 2 Sec. 94. Section 437A.14, subsection 3, Code 2011, is
53 3 amended to read as follows:

53 4 3. Unless otherwise expressly permitted by a section
53 5 referencing this chapter, the kilowatt=hours of electricity
53 6 or therms of natural gas delivered by a taxpayer in a
53 7 competitive service area shall not be divulged to any person
53 8 or entity, other than the taxpayer, the department, or the
53 9 internal revenue service for use in a matter unrelated to tax
53 10 administration. This prohibition precludes persons or entities
53 11 other than the taxpayer, the department, or the internal
53 12 revenue service from obtaining such information from the
53 13 department. A subpoena, order, or process which requires the
53 14 department to produce such information to a person or entity,
53 15 other than the taxpayer, the department, or internal revenue
53 16 service, for use in a nontax proceeding is void.

~~53 17 This prohibition precludes persons or entities other than~~
~~53 18 the taxpayer, the department, or the internal revenue service~~
~~53 19 from obtaining such information from the department. A~~
~~53 20 subpoena, order, or process which requires the department to~~
~~53 21 produce such information to a person or entity, other than the~~
~~53 22 taxpayer, the department, or internal revenue service, for use~~
~~53 23 in a nontax proceeding is void.~~

53 24 Sec. 95. Section 441.5, Code 2011, is amended to read as
53 25 follows:

53 26 441.5 Examination and certification of applicants ====
53 27 incumbents.

53 28 1. For the purpose of examining and certifying candidates
53 29 for the positions of assessor and deputy assessor, the director
53 30 of revenue shall prepare and administer a written examination.
53 31 The examinations shall be administered twice each year in the
53 32 city of Des Moines. Notification of the time, place and date
53 33 of the examinations shall be mailed to each city and county
53 34 assessor, county auditor and chairperson of each city and
53 35 county conference board at least thirty days prior to the date



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

54 1 of the examination.

54 2 2. These examinations shall be conducted by the director
54 3 of revenue in the same manner as other similar examinations,
54 4 including secrecy regarding questions prior to the examination
54 5 and in accordance with other rules as may be prescribed by the
54 6 director of revenue. The examination shall cover the following
54 7 and related subjects:

54 8 ~~1.~~ a. Laws pertaining to the assessment of property for
54 9 taxation, with emphasis on market value assessment as provided
54 10 in this chapter.

54 11 ~~2.~~ b. Laws on tax exemption.

54 12 ~~3.~~ c. Assessment of real estate and personal property,
54 13 including market value assessment in accordance with this
54 14 chapter and including fundamental principles and practices of
54 15 property appraisal and valuation which are consistent with
54 16 market value assessment as provided in this chapter.

54 17 ~~4.~~ d. The rights of taxpayers and property owners related
54 18 to the assessment of property for taxation.

54 19 ~~5.~~ e. The duties of the assessor.

54 20 ~~6.~~ f. Other items related to the position of assessor.

54 21 3. Only individuals who possess a high school diploma or
54 22 its equivalent are eligible to take the examination. A person
54 23 desiring to take the examination shall complete an application
54 24 prior to the administration of the examination.

54 25 4. The director of revenue shall grade the examination
54 26 taken. The director shall notify, in writing, each applicant
54 27 of the score attained by the applicant on the examination. An
54 28 individual who attains a score of seventy percent or greater on
54 29 the examination is eligible to be certified by the director of
54 30 revenue as a candidate for any assessor position. Any person
54 31 who passes the examination and who possesses at least two years
54 32 of appraisal related experience as determined by the director
54 33 of revenue shall be granted regular certification and become
54 34 eligible for appointment to a six-year term as assessor. Any
54 35 person who passes the examination but who lacks such experience



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

55 1 shall be granted temporary certification, and shall be eligible
55 2 for a provisional appointment as assessor.

55 3 5. Any person possessing temporary certification who
55 4 receives a provisional appointment as assessor shall, during
55 5 the person's first eighteen months in office, be required to
55 6 complete a course of study prescribed and administered by
55 7 the director of revenue. Upon the successful completion of
55 8 this course of study, the assessor shall be granted regular
55 9 certification and shall be eligible to remain in office for the
55 10 balance of the assessor's six-year term. All expenses incurred
55 11 in obtaining regular certification shall be defrayed by the
55 12 assessment expense fund.

55 13 6. Following the administration of the examination, the
55 14 director of revenue shall establish a register containing
55 15 the names, in alphabetical order, of all individuals who are
55 16 eligible for appointment as assessor. The test scores of
55 17 individuals on the register shall be given to a city or county
55 18 conference board upon request. All eligible individuals shall
55 19 remain on the register for a period of two years following the
55 20 date of certification granted by the director.

55 21 7. Incumbent assessors who have served six consecutive
55 22 years shall be placed on the register of individuals eligible
55 23 for appointment as assessor. In order to be appointed to
55 24 the position of assessor, the assessor shall comply with the
55 25 continuing education requirements. The number of credits
55 26 required for certification as eligible for appointment as
55 27 assessor in a jurisdiction other than where the assessor is
55 28 currently serving shall be prorated according to the percentage
55 29 of the assessor's term which is covered by the continuing
55 30 education requirements of section 441.8. The credit necessary
55 31 for certification for appointment is the product of one hundred
55 32 fifty multiplied by the quotient of the number of months served
55 33 of an assessor's term covered by the continuing education
55 34 requirements of section 441.8 divided by seventy-two. If the
55 35 number of credits necessary for certification for appointment



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

56 1 as determined under this ~~paragraph~~ subsection results in a
56 2 partial credit hour, the credit hour shall be rounded to the
56 3 nearest whole number.
56 4 Sec. 96. Section 441.16, Code 2011, is amended to read as
56 5 follows:
56 6 441.16 Budget.
56 7 1. All expenditures under this chapter shall be paid as
56 8 hereinafter provided.
56 9 2. Not later than January 1 of each year the assessor, the
56 10 examining board, and the board of review, shall each prepare a
56 11 proposed budget of all expenses for the ensuing fiscal year.
56 12 The assessor shall include in the proposed budget the probable
56 13 expenses for defending assessment appeals. Said budgets shall
56 14 be combined by the assessor and copies thereof forthwith filed
56 15 by the assessor in triplicate with the chairperson of the
56 16 conference board.
56 17 3. ~~Such~~ The combined budgets shall contain an itemized list
56 18 of the proposed salaries of the assessor and each deputy, the
56 19 amount required for field personnel and other personnel, their
56 20 number and their compensation; the estimated amount needed for
56 21 expenses, printing, mileage and other expenses necessary to
56 22 operate the assessor's office, the estimated expenses of the
56 23 examining board and the salaries and expenses of the local
56 24 board of review.
56 25 4. Each fiscal year the chairperson of the conference board
56 26 shall, by written notice, call a meeting of the conference
56 27 board to consider the proposed budget and to comply with
56 28 section 24.9.
56 29 5. At such meeting the conference board shall authorize:
56 30 ~~1.~~ a. The number of deputies, field personnel, and other
56 31 personnel of the assessor's office.
56 32 ~~2.~~ b. The salaries and compensation of members of the board
56 33 of review, the assessor, chief deputy, other deputies, field
56 34 personnel, and other personnel, and determine the time and
56 35 manner of payment.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

57 1 ~~3.~~ c. The miscellaneous expenses of the assessor's office,
57 2 the board of review and the examining board, including office
57 3 equipment, records, supplies, and other required items.
57 4 ~~4.~~ d. The estimated expense of assessment appeals. All
57 5 such expense items shall be included in the budget adopted for
57 6 the ensuing year.
57 7 6. All tax levies and expenditures provided for herein shall
57 8 be subject to the provisions of chapter 24 and the conference
57 9 board is hereby declared to be the certifying board.
57 10 7. Any tax for the maintenance of the office of assessor
57 11 and other assessment procedure shall be levied only upon
57 12 the property in the area assessed by said assessor and
57 13 such tax levy shall not exceed forty and one-half cents per
57 14 thousand dollars of assessed value in assessing areas where
57 15 the valuation upon which the tax is levied does not exceed
57 16 ninety-two million, six hundred thousand dollars; thirty-three
57 17 and three-fourths cents per thousand dollars of assessed value
57 18 in assessing areas where the valuation upon which the tax
57 19 is levied exceeds ninety-two million, six hundred thousand
57 20 dollars and does not exceed one hundred eleven million,
57 21 one hundred twenty thousand dollars; twenty-seven cents per
57 22 thousand dollars of assessed value in assessing areas where
57 23 the valuation upon which the tax is levied exceeds one hundred
57 24 eleven million, one hundred twenty thousand dollars. The
57 25 county treasurer shall credit the sums received from such levy
57 26 to a separate fund to be known as the "assessment expense fund"
57 27 and from which fund all expenses incurred under this chapter
57 28 shall be paid. In the case of a county where there is more than
57 29 one assessor the treasurer shall maintain separate assessment
57 30 expense funds for each assessor.
57 31 8. The county auditor shall keep a complete record of said
57 32 funds and shall issue warrants thereon only on requisition of
57 33 the assessor.
57 34 9. The assessor shall not issue requisitions so as to
57 35 increase the total expenditures budgeted for the operation of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

58 1 the assessor's office. However, for purposes of promoting
58 2 operational efficiency, the assessor shall have authority to
58 3 transfer funds budgeted for specific items for the operation of
58 4 the assessor's office from one unexpended balance to another;
58 5 such transfer shall not be made so as to increase the total
58 6 amount budgeted for the operation of the office of assessor,
58 7 and no funds shall be used to increase the salary of the
58 8 assessor or the salaries of permanent deputy assessors. The
58 9 assessor shall issue requisitions for the examining board
58 10 and for the board of review on order of the chairperson of
58 11 each board and for costs and expenses incident to assessment
58 12 appeals, only on order of the city legal department, in the
58 13 case of cities and of the county attorney in the case of
58 14 counties.

58 15 10. Unexpended funds remaining in the assessment expense
58 16 fund at the end of a year shall be carried forward into the next
58 17 year.

58 18 Sec. 97. Section 441.21, subsection 1, paragraph b, Code
58 19 2011, is amended to read as follows:

58 20 b. (1) The actual value of all property subject to
58 21 assessment and taxation shall be the fair and reasonable
58 22 market value of such property except as otherwise provided
58 23 in this section. "Market value" is defined as the fair and
58 24 reasonable exchange in the year in which the property is listed
58 25 and valued between a willing buyer and a willing seller,
58 26 neither being under any compulsion to buy or sell and each
58 27 being familiar with all the facts relating to the particular
58 28 property. Sale prices of the property or comparable property
58 29 in normal transactions reflecting market value, and the
58 30 probable availability or unavailability of persons interested
58 31 in purchasing the property, shall be taken into consideration
58 32 in arriving at its market value. In arriving at market value,
58 33 sale prices of property in abnormal transactions not reflecting
58 34 market value shall not be taken into account, or shall be
58 35 adjusted to eliminate the effect of factors which distort



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

59 1 market value, including but not limited to sales to immediate
59 2 family of the seller, foreclosure or other forced sales,
59 3 contract sales, discounted purchase transactions or purchase of
59 4 adjoining land or other land to be operated as a unit.

59 5 (2) The actual value of special purpose tooling, which
59 6 is subject to assessment and taxation as real property under
59 7 section 427A.1, subsection 1, paragraph "e", but which can be
59 8 used only to manufacture property which is protected by one or
59 9 more United States or foreign patents, shall not exceed the
59 10 fair and reasonable exchange value between a willing buyer and
59 11 a willing seller, assuming that the willing buyer is purchasing
59 12 only the special purpose tooling and not the patent covering
59 13 the property which the special purpose tooling is designed
59 14 to manufacture nor the rights to manufacture the patented
59 15 property. For purposes of this ~~paragraph~~ subparagraph, special
59 16 purpose tooling includes dies, jigs, fixtures, molds, patterns,
59 17 and similar property. The assessor shall not take into
59 18 consideration the special value or use value to the present
59 19 owner of the special purpose tooling which is designed and
59 20 intended solely for the manufacture of property protected by a
59 21 patent in arriving at the actual value of the special purpose
59 22 tooling.

59 23 Sec. 98. Section 445.5, subsection 2, Code 2011, is amended
59 24 to read as follows:

59 25 2. a. The county treasurer shall each year, upon request,
59 26 deliver to the following persons or entities, or their duly
59 27 authorized agents, a copy of the tax statement or tax statement
59 28 information:

59 29 ~~a.~~ (1) Contract purchaser.

59 30 ~~b.~~ (2) Lessee.

59 31 ~~c.~~ (3) Mortgagee.

59 32 ~~d.~~ (4) Financial institution organized or chartered or
59 33 holding an authorization certificate pursuant to chapter 524,
59 34 533, or 534.

59 35 ~~e.~~ (5) Federally chartered financial institution.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

60 1 b. The treasurer may negotiate and charge a reasonable
60 2 fee not to exceed the cost of producing the information for a
60 3 requester described in ~~paragraphs "c" through "e"~~ paragraph
60 4 "a", subparagraphs (3) through (5), for a tax statement or tax
60 5 statement information provided by the treasurer.
60 6 Sec. 99. Section 450.94, subsection 5, Code 2011, is amended
60 7 to read as follows:
60 8 5. a. The amount of tax imposed under this chapter shall be
60 9 assessed according to one of the following:
60 10 ~~a.~~ (1) Within three years after the return is filed with
60 11 respect to property reported on the final inheritance tax
60 12 return.
60 13 ~~b.~~ (2) At any time after the tax became due with respect
60 14 to property not reported on the final inheritance tax return,
60 15 but not later than three years after the omitted property is
60 16 reported to the department on an amended return or on the final
60 17 inheritance tax return if one was not previously filed.
60 18 ~~c.~~ (3) The period for examination and determination of the
60 19 correct amount of tax to be reported and due under this chapter
60 20 is unlimited in the case of failure to file a return or the
60 21 filing of a false or fraudulent return or affidavit.
60 22 b. In addition to the applicable periods of limitations for
60 23 examination and determination specified in ~~paragraphs "a" and~~
~~60 24 "b"~~ paragraph "a", subparagraphs (1) and (2), the department
60 25 may make an examination and determination at any time within
60 26 six months from the date of receipt by the department of
60 27 written notice from the taxpayer of the final disposition
60 28 of any matter between the taxpayer and the internal revenue
60 29 service with respect to the federal estate, gift, or generation
60 30 skipping transfer tax. In order to begin the running of the
60 31 six months assessment period, the notice shall be in writing
60 32 in form sufficient to inform the department of the final
60 33 disposition of any matter with respect to the federal estate,
60 34 gift, or generation skipping transfer tax, and a copy of the
60 35 federal document showing the final disposition or final federal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

61 1 adjustments shall be attached to the notice.

61 2 Sec. 100. Section 453A.14, subsection 1, unnumbered
61 3 paragraphs 1 and 2, Code 2011, are amended to read as follows:

61 4 No state or manufacturer's permit shall be issued until the
61 5 applicant files a bond, with good and sufficient surety, to
61 6 be approved by the director, which bond shall be in favor of
61 7 the state and conditioned upon the payment of taxes, damages,
61 8 fines, penalties, and costs adjudged against the permit holder
61 9 for violation of any of the provisions of this division. The
61 10 bonds shall be on forms prescribed by the director and in the
61 11 following amounts:

~~61 12 The bonds shall be on forms prescribed by the director and in~~
~~61 13 the following amounts:~~

61 14 Sec. 101. Section 453C.1, subsections 4 and 9, Code 2011,
61 15 are amended to read as follows:

61 16 4. a. "Cigarette" means any product that contains nicotine,
61 17 is intended to be burned or heated under ordinary conditions of
61 18 use, and consists of or contains any of the following:

61 19 ~~a.~~ (1) Any roll of tobacco wrapped in paper or in any
61 20 substance not containing tobacco.

61 21 ~~b.~~ (2) Tobacco, in any form, that is functional in the
61 22 product, which, because of its appearance, the type of tobacco
61 23 used in the filler, or its packaging and labeling, is likely to
61 24 be offered to, or purchased by, consumers as a cigarette.

61 25 ~~c.~~ (3) Any roll of tobacco wrapped in any substance
61 26 containing tobacco which, because of its appearance, the type
61 27 of tobacco used in the filler, or its packaging and labeling,
61 28 is likely to be offered to, or purchased by, consumers as
61 29 a cigarette described in ~~paragraph "a" of this definition~~
~~61 30 subparagraph (1).~~

61 31 b. The term "cigarette" includes "roll=your=own" tobacco,
61 32 meaning tobacco which, because of its appearance, type,
61 33 packaging, or labeling, is suitable for use and likely to be
61 34 offered to, or purchased by, consumers as tobacco for making
61 35 cigarettes. For purposes of this definition of "cigarette",



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

62 1 0.09 ounces of "roll=your=own" tobacco shall constitute one
62 2 individual "cigarette".
62 3 9. a. "Tobacco product manufacturer" means an entity that
62 4 on or after May 20, 1999, directly and not exclusively through
62 5 any affiliate does any of the following:
62 6 ~~a.~~ (1) Manufactures cigarettes anywhere that such
62 7 manufacturer intends to be sold in the United States, including
62 8 cigarettes intended to be sold in the United States through
62 9 an importer (except where such importer is an original
62 10 participating manufacturer, as that term is defined in the
62 11 master settlement agreement, that will be responsible for the
62 12 payments under the master settlement agreement with respect to
62 13 such cigarettes as a result of the provisions of subsection
62 14 II(mm) of the master settlement agreement and that pays the
62 15 taxes specified in subsection II(z) of the master settlement
62 16 agreement and provided that the manufacturer of such cigarettes
62 17 does not market or advertise such cigarettes in the United
62 18 States).
62 19 ~~b.~~ (2) Is the first purchaser anywhere for resale in the
62 20 United States of cigarettes manufactured anywhere that the
62 21 manufacturer does not intend to be sold in the United States.
62 22 ~~c.~~ (3) Becomes a successor of an entity described in
62 23 ~~paragraph "a" or "b"~~ subparagraph (1) or (2).
62 24 b. The term "tobacco product manufacturer" shall not include
62 25 an affiliate of a tobacco product manufacturer unless such
62 26 affiliate itself falls within any of ~~paragraphs "a" through "c"~~
62 27 paragraph "a", subparagraphs (1) through (3).
62 28 Sec. 102. Section 455B.173, subsections 2 and 3, Code 2011,
62 29 are amended to read as follows:
62 30 2. Establish, modify, or repeal water quality standards,
62 31 pretreatment standards, and effluent standards in accordance
62 32 with the provisions of this chapter.
62 33 a. The effluent standards may provide for maintaining the
62 34 existing quality of the water of the state that is a navigable
62 35 water of the United States under the federal Water Pollution



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

63 1 Control Act where the quality thereof exceeds the requirements
63 2 of the water quality standards.
63 3 b. If the federal environmental protection agency has
63 4 promulgated an effluent standard or pretreatment standard
63 5 pursuant to section 301, 306, or 307 of the federal Water
63 6 Pollution Control Act, a pretreatment or effluent standard
63 7 adopted pursuant to this section shall not be more stringent
63 8 than the federal effluent or pretreatment standard for such
63 9 source. This section may not preclude the establishment of
63 10 a more restrictive effluent limitation in the permit for a
63 11 particular point source if the more restrictive effluent
63 12 limitation is necessary to meet water quality standards, the
63 13 establishment of an effluent standard for a source or class of
63 14 sources for which the federal environmental protection agency
63 15 has not promulgated standards pursuant to section 301, 306,
63 16 or 307 of the federal Water Pollution Control Act. Except as
63 17 required by federal law or regulation, the commission shall
63 18 not adopt an effluent standard more stringent with respect to
63 19 any pollutant than is necessary to reduce the concentration
63 20 of that pollutant in the effluent to the level due to natural
63 21 causes, including the mineral and chemical characteristics
63 22 of the land, existing in the water of the state to which the
63 23 effluent is discharged. Notwithstanding any other provision
63 24 of this part of this division or chapter 459, subchapter III,
63 25 any new source, the construction of which was commenced after
63 26 October 18, 1972, and which was constructed as to meet all
63 27 applicable standards of performance for the new source or any
63 28 more stringent effluent limitation required to meet water
63 29 quality standards, shall not be subject to any more stringent
63 30 effluent limitations during a ten-year period beginning on the
63 31 date of completion of construction or during the period of
63 32 depreciation or amortization of the pollution control equipment
63 33 for the facility for the purposes of section 167 ~~and~~ or 169 or
63 34 both sections of the Internal Revenue Code, whichever period
63 35 ends first.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

64 1 3. Establish, modify, or repeal rules relating to the
64 2 location, construction, operation, and maintenance of disposal
64 3 systems and public water supply systems and specifying the
64 4 conditions, including the viability of a system pursuant
64 5 to section 455B.174, under which the director shall issue,
64 6 revoke, suspend, modify, or deny permits for the operation,
64 7 installation, construction, addition to, or modification of
64 8 any disposal system or public water supply system, or for the
64 9 discharge of any pollutant.

64 10 a. The rules specifying the conditions under which the
64 11 director shall issue permits for the construction of an
64 12 electric power generating facility subject to chapter 476A
64 13 shall provide for issuing a conditional permit upon the
64 14 submission of engineering descriptions, flow diagrams and
64 15 schematics that qualitatively and quantitatively identify
64 16 effluent streams and alternative disposal systems that will
64 17 provide compliance with effluent standards or limitations.

64 18 b. No rules shall be adopted which regulate the hiring
64 19 or firing of operators of disposal systems or public water
64 20 supply systems except rules which regulate the certification of
64 21 operators as to their technical competency.

64 22 c. A publicly owned treatment works whose discharge meets
64 23 the final effluent limitations which were contained in its
64 24 discharge permit on the date that construction of the publicly
64 25 owned treatment works was approved by the department shall
64 26 not be required to meet more stringent effluent limitations
64 27 for a period of ten years from the date the construction was
64 28 completed and accepted but not longer than twelve years from
64 29 the date that construction was approved by the department.

64 30 Sec. 103. Section 455B.213, subsection 4, Code 2011, is
64 31 amended to read as follows:

64 32 4. Violation.

64 33 a. An employee of the department who willfully communicates
64 34 or seeks to communicate such information, and a person
64 35 who willfully requests, obtains, or seeks to obtain such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

65 1 information, is guilty of a simple misdemeanor.
65 2 b. A member of the commission who willfully communicates
65 3 or seeks to communicate such information, and any person
65 4 who willfully requests, obtains, or seeks to obtain such
65 5 information, is guilty of a public offense which is punishable
65 6 by a fine not exceeding one hundred dollars or by imprisonment
65 7 in the county jail for not more than thirty days.
65 8 Sec. 104. Section 455B.312, subsection 2, unnumbered
65 9 paragraph 2, Code 2011, is amended to read as follows:
65 10 3. If an acceptable plan is not prepared, the plan is not
65 11 implemented, or the problem otherwise continues unabated, the
65 12 attorney general shall take actions authorized by law to secure
65 13 compliance.
65 14 Sec. 105. Section 455B.423, subsection 2, Code 2011, is
65 15 amended to read as follows:
65 16 2. a. The director may use the fund for any of the
65 17 following purposes:
65 18 ~~a.~~ (1) Administrative services for the identification,
65 19 assessment and cleanup of hazardous waste or hazardous
65 20 substance disposal sites.
65 21 ~~b.~~ (2) Payments to other state agencies for services
65 22 consistent with the management of hazardous waste or hazardous
65 23 substance disposal sites.
65 24 ~~c.~~ (3) Emergency response activities as provided in part 4
65 25 of this division.
65 26 ~~d.~~ (4) Financing the nonfederal share of the cost
65 27 of cleanup and site rehabilitation activities as well as
65 28 postclosure operation and maintenance costs, pursuant to the
65 29 federal Comprehensive Environmental Response, Compensation and
65 30 Liability Act of 1980.
65 31 ~~e.~~ (5) Financing the cost of cleanup and site
65 32 rehabilitation activities as well as postclosure operation and
65 33 maintenance costs of hazardous waste or hazardous substance
65 34 disposal sites that do not qualify for federal cost sharing
65 35 pursuant to the federal Comprehensive Environmental Response,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

66 1 Compensation and Liability Act of 1980.

66 2 ~~f.~~ (6) Through agreements or contracts with other state
66 3 agencies, work with private industry to develop alternatives
66 4 to land disposal of hazardous waste or hazardous substances
66 5 including, but not limited to, resource recovery, recycling,
66 6 neutralization, and reduction.

66 7 ~~g.~~ (7) For the administration of the waste tire collection
66 8 or processing site permit program.

66 9 b. However, at least seventy-five percent of the fund shall
66 10 be used for the purposes stated in ~~paragraphs "d" and "e"~~
66 11 paragraph "a", subparagraphs (4) and (5).

66 12 Sec. 106. Section 455B.471, subsection 11, Code 2011, is
66 13 amended to read as follows:

66 14 11. a. "Underground storage tank" means one or a
66 15 combination of tanks, including underground pipes connected
66 16 to the tanks which are used to contain an accumulation of
66 17 regulated substances and the volume of which, including the
66 18 volume of the underground pipes, is ten percent or more beneath
66 19 the surface of the ground. Underground storage tank does not
66 20 include:

66 21 ~~a.~~ (1) Farm or residential tanks of one thousand one
66 22 hundred gallons or less capacity used for storing motor fuel
66 23 for noncommercial purposes.

66 24 ~~b.~~ (2) Tanks used for storing heating oil for consumptive
66 25 use on the premises where stored.

66 26 ~~c.~~ (3) Residential septic tanks.

66 27 ~~d.~~ (4) Pipeline facilities regulated under the Natural
66 28 Gas Pipeline Safety Act of 1968, as amended to January 1, 1985
66 29 ~~(49, codified at 49 U.S.C. { 1671 et seq.})~~ seq., the Hazardous
66 30 Liquid Pipeline Safety Act of 1979, as amended to January 1,
66 31 1985 ~~(49, codified at 49 U.S.C. { 2001 et seq.})~~ seq., or an
66 32 intrastate pipeline facility regulated under chapter 479.

66 33 ~~e.~~ (5) A surface impoundment, pit, pond, or lagoon.

66 34 ~~f.~~ (6) A storm water or wastewater collection system.

66 35 ~~g.~~ (7) A flow-through process tank.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

67 1 ~~h.~~ (8) A liquid trap or associated gathering lines directly
67 2 related to oil or gas production and gathering operations.
67 3 ~~i.~~ (9) A storage tank situated in an underground area
67 4 including, but not limited to, a basement, cellar, mineworking,
67 5 drift, shaft, or tunnel if the storage tank is situated upon or
67 6 above the surface of the floor.

67 7 b. Underground storage tank does not include pipes connected
67 8 to a tank described in ~~paragraphs "a" to "i"~~ paragraph "a",
67 9 subparagraphs (1) through (9).

67 10 Sec. 107. Section 455B.474, subsection 1, Code 2011, is
67 11 amended to read as follows:

67 12 1. a. Release detection, prevention, and correction as
67 13 may be necessary to protect human health and the environment,
67 14 applicable to all owners and operators of underground storage
67 15 tanks. The rules shall include, but are not limited to,
67 16 requirements for:

67 17 ~~a.~~ (1) Maintaining a leak detection system, an inventory
67 18 control system with a tank testing, or a comparable system or
67 19 method designed to identify releases in a manner consistent
67 20 with the protection of human health and the environment.

67 21 ~~b.~~ (2) Maintaining records of any monitoring or leak
67 22 detection system, inventory control system, tank testing or
67 23 comparable system, and periodic underground storage tank
67 24 facility compliance inspections conducted by inspectors
67 25 certified by the department.

67 26 ~~c.~~ (3) Reporting of any releases and corrective action
67 27 taken in response to a release from an underground storage
67 28 tank.

67 29 ~~d.~~ (4) Establishing criteria for classifying sites
67 30 according to the release of a regulated substance in connection
67 31 with an underground storage tank.

67 32 ~~(1)~~ (a) The classification system shall consider the
67 33 actual or potential threat to public health and safety and
67 34 to the environment posed by the contaminated site and shall
67 35 take into account relevant factors, including the presence



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

68 1 of contamination in soils, groundwaters, and surface waters,
68 2 and the effect of conduits, barriers, and distances on the
68 3 contamination found in those areas according to the following
68 4 factors:

68 5 ~~(a)~~ (i) Soils shall be evaluated based upon the depth of
68 6 the existing contamination and its distance from the ground
68 7 surface to the contamination zone and the contamination
68 8 zone to the groundwater; the soil type and permeability,
68 9 including whether the contamination exists in clay, till or
68 10 sand and gravel; and the variability of the soils, whether the
68 11 contamination exists in soils of natural variability or in a
68 12 disturbed area.

68 13 ~~(b)~~ (ii) Groundwaters shall be evaluated based upon the
68 14 depth of the contamination and its distance from the ground
68 15 surface to the groundwater and from the contamination zone
68 16 to the groundwater; the flow pattern of the groundwater, the
68 17 direction of the flow in relation to the contamination zone and
68 18 the interconnection of the groundwater with the surface or with
68 19 surface water and with other groundwater sources; the nature
68 20 of the groundwater, whether it is located in a high yield
68 21 aquifer, an isolated, low yield aquifer, or in a transient
68 22 saturation zone; and use of the groundwater, whether it is
68 23 used as a drinking water source for public or private drinking
68 24 water supplies, for livestock watering, or for commercial and
68 25 industrial processing.

68 26 ~~(c)~~ (iii) Surface water shall be evaluated based upon its
68 27 location, its distance in relation to the contamination zone,
68 28 the groundwater system and flow, and its location in relation
68 29 to surface drainage.

68 30 ~~(d)~~ (iv) The effect of conduits, barriers, and distances
68 31 on the contamination found in soils, groundwaters, and surface
68 32 waters. Consideration should be given to the following: the
68 33 effect of contamination on conduits such as wells, utility
68 34 lines, tile lines and drainage systems; the effect of conduits
68 35 on the transport of the contamination; whether a well is active



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

69 1 or abandoned; what function the utility line serves, whether
69 2 it is a sewer line, a water distribution line, telephone line,
69 3 or other line; the existence of barriers such as buildings and
69 4 other structures, pavement, and natural barriers, including
69 5 rock formations and ravines; and the distance which separates
69 6 the contamination found in the soils, groundwaters, or surface
69 7 waters from the conduits and barriers.

69 8 ~~(2)~~ (b) A site shall be classified as either high risk,
69 9 low risk, or no action required, as determined by a certified
69 10 groundwater professional.

69 11 ~~(a)~~ (i) A site shall be considered high risk when
69 12 a certified groundwater professional determines that
69 13 contamination from the site presents an unreasonable risk to
69 14 public health and safety or the environment under any of the
69 15 following conditions:

69 16 ~~(i)~~ (A) Contamination is affecting or likely to affect
69 17 groundwater which is used as a source water for public or
69 18 private water supplies, to a level rendering them unsafe for
69 19 human consumption.

69 20 ~~(ii)~~ (B) Contamination is actually affecting or is likely
69 21 to affect surface water bodies to a level where surface water
69 22 quality standards, under section 455B.173, will be exceeded.

69 23 ~~(iii)~~ (C) Harmful or explosive concentrations of
69 24 petroleum substances or vapors affecting structures or utility
69 25 installations exist or are likely to occur.

69 26 ~~(b)~~ (ii) A site shall be considered low risk when a
69 27 certified groundwater professional determines that low risk
69 28 conditions exist as follows:

69 29 ~~(i)~~ (A) Contamination is present and is affecting
69 30 groundwater, but high risk conditions do not exist and are not
69 31 likely to occur.

69 32 ~~(ii)~~ (B) Contamination is above action level standards, but
69 33 high risk conditions do not exist and are not likely to occur.

69 34 ~~(c)~~ (iii) A site shall be considered no action required
69 35 and a no further action certificate shall be issued by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

70 1 department when a certified groundwater professional determines
70 2 that contamination is below action level standards and high or
70 3 low risk conditions do not exist and are not likely to occur.
70 4 ~~(d)~~ (iv) For purposes of classifying a site as either
70 5 low risk or no action required, the department shall rely
70 6 upon the example tier one risk-based screening level look-up
70 7 table of ASTM (American society for testing and materials)
70 8 international's emergency standard, ES38=94, or other look-up
70 9 table as determined by the department by rule.
70 10 ~~(e)~~ (v) A site cleanup report which classifies a site as
70 11 either high risk, low risk, or no action required shall be
70 12 submitted by a groundwater professional to the department with
70 13 a certification that the report complies with the provisions
70 14 of this chapter and rules adopted by the department. The
70 15 report shall be determinative of the appropriate classification
70 16 of the site and the site shall be classified as indicated by
70 17 the groundwater professional unless, within ninety days of
70 18 receipt by the department, the department identifies material
70 19 information in the report that is inaccurate or incomplete,
70 20 and based upon inaccurate or incomplete information in the
70 21 report the risk classification of the site cannot be reasonably
70 22 determined by the department based upon industry standards.
70 23 If the department determines that the site cleanup report is
70 24 inaccurate or incomplete, the department shall notify the
70 25 groundwater professional of the inaccurate or incomplete
70 26 information within ninety days of receipt of the report
70 27 and shall work with the groundwater professional to obtain
70 28 correct information or additional information necessary to
70 29 appropriately classify the site. However, from July 1,
70 30 2010, through June 30, 2011, the department shall have one
70 31 hundred twenty days to notify the certified groundwater
70 32 professional when a report is not accepted based on material
70 33 information that is found to be inaccurate or incomplete. A
70 34 groundwater professional who knowingly or intentionally makes
70 35 a false statement or misrepresentation which results in a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

71 1 mistaken classification of a site shall be guilty of a serious
71 2 misdemeanor and shall have the groundwater professional's
71 3 certification revoked under this section.
71 4 ~~e.~~ (5) The closure of tanks to prevent any future release
71 5 of a regulated substance into the environment. If consistent
71 6 with federal environmental protection agency technical standard
71 7 regulations, state tank closure rules shall include, at the
71 8 tank owner's election, an option to fill the tank with an inert
71 9 material. Removal of a tank shall not be required if the tank
71 10 is filled with an inert material pursuant to department of
71 11 natural resources rules. A tank closed, or to be closed and
71 12 which is actually closed, within one year of May 13, 1988,
71 13 shall be required to complete monitoring or testing as required
71 14 by the department to ensure that the tank did not leak prior to
71 15 closure, but shall not be required to have a monitoring system
71 16 installed.
71 17 ~~f.~~ (6) Establishing corrective action response requirements
71 18 for the release of a regulated substance in connection with
71 19 an underground storage tank. The corrective action response
71 20 requirements shall include, but not be limited to, all of the
71 21 following:
71 22 ~~(1)~~ (a) A requirement that the site cleanup report do all
71 23 of the following:
71 24 ~~(a)~~ (i) Identify the nature and level of contamination
71 25 resulting from the release.
71 26 ~~(b)~~ (ii) Provide supporting data and a recommendation
71 27 of the degree of risk posed by the site relative to the site
71 28 classification system adopted pursuant to paragraph ~~"d"~~ "a",
71 29 subparagraph (4).
71 30 ~~(c)~~ (iii) Provide supporting data and a recommendation of
71 31 the need for corrective action.
71 32 ~~(d)~~ (iv) Identify the corrective action options which
71 33 shall address the practical feasibility of implementation,
71 34 costs, expected length of time to implement, and environmental
71 35 benefits.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

72 1 ~~(2)~~ (b) To the fullest extent practicable, allow for
72 2 the use of generally available hydrological, geological,
72 3 topographical, and geographical information and minimize site
72 4 specific testing in preparation of the site cleanup report.
72 5 ~~(3)~~ (c) Require that at a minimum the source of a release
72 6 be stopped either by repairing, upgrading, or closing the tank
72 7 and that free product be removed or contained on site.
72 8 ~~(4)~~ (d) High risk sites shall be addressed pursuant
72 9 to a corrective action design report, as submitted by a
72 10 groundwater professional and as accepted by the department.
72 11 The corrective action design report shall determine the most
72 12 appropriate response to the high risk conditions presented.
72 13 The appropriate corrective action response shall be based upon
72 14 industry standards and shall take into account the following:
72 15 ~~(a)~~ (i) The extent of remediation required to reclassify
72 16 the site as a low risk site.
72 17 ~~(b)~~ (ii) The most appropriate exposure scenarios based upon
72 18 residential, commercial, or industrial use or other predefined
72 19 industry accepted scenarios.
72 20 ~~(c)~~ (iii) Exposure pathway characterizations including
72 21 contaminant sources, transport mechanisms, and exposure
72 22 pathways.
72 23 ~~(d)~~ (iv) Affected human or environmental receptors
72 24 and exposure scenarios based on current and projected use
72 25 scenarios.
72 26 ~~(e)~~ (v) Risk-based corrective action assessment principles
72 27 which identify the risks presented to the public health and
72 28 safety or the environment by each release in a manner that
72 29 will protect the public health and safety or the environment
72 30 using a tiered procedure consistent with ASTM (American society
72 31 for testing and materials) international's emergency standard,
72 32 ES38=94.
72 33 ~~(f)~~ (vi) Other relevant site specific factors such
72 34 as the feasibility of available technologies, existing
72 35 background contaminant levels, current and planned future uses,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

73 1 ecological, aesthetic, and other relevant criteria, and the
73 2 applicability and availability of engineering and institutional
73 3 controls, including an environmental covenant as established by
73 4 chapter 455I.
73 5 ~~(g)~~ (vii) Remediation shall not be required on a site
73 6 that does not present an increased cancer risk at the point of
73 7 exposure of one in one million for residential areas or one in
73 8 ten thousand for nonresidential areas.
73 9 ~~(5)~~ (e) A corrective action design report submitted by a
73 10 groundwater professional shall be accepted by the department
73 11 and shall be primarily relied upon by the department to
73 12 determine the corrective action response requirements of
73 13 the site. However, if within ninety days of receipt of a
73 14 corrective action design report, the department identifies
73 15 material information in the corrective action design report
73 16 that is inaccurate or incomplete, and if based upon information
73 17 in the report the appropriate corrective action response
73 18 cannot be reasonably determined by the department based upon
73 19 industry standards, the department shall notify the groundwater
73 20 professional that the corrective action design report is not
73 21 accepted, and the department shall work with the groundwater
73 22 professional to correct the material information or to
73 23 obtain the additional information necessary to appropriately
73 24 determine the corrective action response requirements as soon
73 25 as practicable. However, from July 1, 2010, through June 30,
73 26 2011, the department shall have one hundred twenty days to
73 27 notify the certified groundwater professional when a corrective
73 28 action design report is not accepted based on material
73 29 information that is found to be inaccurate or incomplete. A
73 30 groundwater professional who knowingly or intentionally makes
73 31 a false statement or misrepresentation which results in an
73 32 improper or incorrect corrective action response shall be
73 33 guilty of a serious misdemeanor and shall have the groundwater
73 34 professional's certification revoked under this section.
73 35 ~~(6)~~ (f) Low risk sites shall be monitored as deemed



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

74 1 necessary by the department consistent with industry standards.
74 2 Monitoring shall not be required on a site which has received
74 3 a no further action certificate. A site that has maintained
74 4 less than the applicable target level for four consecutive
74 5 sampling events shall be reclassified as a no action required
74 6 site regardless of exit monitoring criteria and guidance.
74 7 ~~(7)~~ (g) An owner or operator may elect to proceed with
74 8 additional corrective action on the site. However, any action
74 9 taken in addition to that required pursuant to this paragraph
74 10 ~~"f"~~ "a", subparagraph (6), shall be solely at the expense of the
74 11 owner or operator and shall not be considered corrective action
74 12 for purposes of section 455G.9, unless otherwise previously
74 13 agreed to by the board and the owner or operator pursuant to
74 14 section 455G.9, subsection 7. Corrective action taken by an
74 15 owner or operator due to the department's failure to meet the
74 16 time requirements provided in subparagraph ~~(5)~~ division (e)
74 17 shall be considered corrective action for purposes of section
74 18 455G.9.
74 19 ~~(8)~~ (h) Notwithstanding other provisions to the contrary
74 20 and to the extent permitted by federal law, the department
74 21 shall allow for bioremediation of soils and groundwater. For
74 22 purposes of this subparagraph division, "bioremediation" means
74 23 the use of biological organisms, including microorganisms
74 24 or plants, to degrade organic pollutants to common natural
74 25 products.
74 26 ~~(9)~~ (i) Replacement or upgrade of a tank on a site
74 27 classified as a high or low risk site shall be equipped with
74 28 a secondary containment system with monitoring of the space
74 29 between the primary and secondary containment structures or
74 30 other board approved tank system or methodology.
74 31 ~~(10)~~ (j) The commission and the board shall cooperate to
74 32 ensure that remedial measures required by the corrective action
74 33 rules adopted pursuant to this ~~paragraph~~ subparagraph (6) are
74 34 reasonably cost-effective and shall, to the fullest extent
74 35 possible, avoid duplicating and conflicting requirements.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

75 1 ~~(11)~~ (k) The director may order an owner or operator to
75 2 immediately take all corrective actions deemed reasonable
75 3 and necessary by the director if the corrective action is
75 4 consistent with the prioritization rules adopted under this
75 5 ~~paragraph~~ subparagraph (6). Any order taken by the director
75 6 pursuant to this subparagraph division shall be reviewed at the
75 7 next meeting of the environmental protection commission.
75 8 ~~g-~~ (7) Specifying an adequate monitoring system to
75 9 detect the presence of a leaking underground storage tank and
75 10 to provide for protection of the groundwater resources for
75 11 regulated tanks installed prior to January 14, 1987. The
75 12 effective date of the rules adopted shall be January 14, 1989.
75 13 In the event that federal regulations are adopted by the United
75 14 States environmental protection agency after the commission
75 15 has adopted state standards pursuant to this subsection, the
75 16 commission shall immediately proceed to adopt rules consistent
75 17 with those federal regulations adopted. Unless the federal
75 18 environmental protection agency adopts final rules to the
75 19 contrary, rules adopted pursuant to this section shall not
75 20 apply to hydraulic lift reservoirs, such as for automobile
75 21 hoists and elevators, containing hydraulic oil.
75 22 ~~h-~~ (8) Issuing a no further action certificate or
75 23 a monitoring certificate to the owner or operator of an
75 24 underground storage tank site.
75 25 ~~(1)~~ (a) A no further action certificate shall be issued
75 26 by the department for a site which has been classified as a no
75 27 further action site or which has been reclassified pursuant to
75 28 completion of a corrective action plan or monitoring plan to be
75 29 a no further action site by a groundwater professional, unless
75 30 within ninety days of receipt of the report submitted by the
75 31 groundwater professional classifying the site, the department
75 32 notifies the groundwater professional that the report and site
75 33 classification are not accepted and the department identifies
75 34 material information in the report that is inaccurate or
75 35 incomplete which causes the department to be unable to accept



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

76 1 the classification of the site. An owner or operator shall
76 2 not be responsible for additional assessment, monitoring, or
76 3 corrective action activities at a site that is issued a no
76 4 further action certificate unless it is determined that the
76 5 certificate was issued based upon false material statements
76 6 that were knowingly or intentionally made by a groundwater
76 7 professional and the false material statements resulted in the
76 8 incorrect classification of the site.
76 9 ~~(2)~~ (b) A monitoring certificate shall be issued by the
76 10 department for a site which does not require remediation, but
76 11 does require monitoring of the site.
76 12 ~~(3)~~ (c) A certificate shall be recorded with the county
76 13 recorder. The owner or operator of a site who has been issued
76 14 a certificate under this paragraph ~~"h"~~ "a", subparagraph (8),
76 15 or a subsequent purchaser of the site shall not be required to
76 16 perform further corrective action because action standards are
76 17 changed at a later date. A certificate shall not prevent the
76 18 department from ordering corrective action of a new release.
76 19 ~~+~~ (9) Establishing a certified compliance inspector
76 20 program administered by the department for underground storage
76 21 tank facility compliance inspections.
76 22 ~~(1)~~ (a) The certified compliance inspector program shall
76 23 provide for, but not be limited to, all of the following:
76 24 ~~(a)~~ (i) Mandatory periodic underground storage tank
76 25 facility compliance inspections by owners and operators using
76 26 inspectors certified by the department.
76 27 ~~(b)~~ (ii) Compliance inspector qualifications,
76 28 certification procedures, certification and renewal fees
76 29 sufficient to cover administrative costs, continuing education
76 30 requirements, inspector discipline standards including
76 31 certification suspension and revocation for good cause,
76 32 compliance inspection standards, professional liability bonding
76 33 or insurance requirements, and any other requirements as the
76 34 commission may deem appropriate. Certification and renewal
76 35 fees received by the department are appropriated to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

77 1 department for purposes of the administration of the certified
77 2 compliance inspector program.
77 3 ~~(2)~~ (b) The department shall continue to conduct
77 4 independent inspections as provided in section 455B.475
77 5 as deemed appropriate to assure effective compliance and
77 6 enforcement and for the purpose of auditing the accuracy and
77 7 completeness of inspections conducted by certified compliance
77 8 inspectors.
77 9 ~~(3)~~ (c) Acts or omissions by a certified compliance
77 10 inspector, the state, or the department regarding
77 11 certification, renewal, oversight of the certification process,
77 12 continuing education, discipline, inspection standards,
77 13 or any other actions, rules, or regulations arising out of
77 14 the certification, inspections, or duties imposed by this
77 15 section shall not be cause for a claim against the state or
77 16 the department within the meaning of chapter 669 or any other
77 17 provision of the Iowa Code.
77 18 b. In adopting the rules under this subsection, the
77 19 commission may distinguish between types, classes, and ages
77 20 of underground storage tanks. In making the distinctions,
77 21 the commission may take into consideration factors including,
77 22 but not limited to, location of the tanks, compatibility of a
77 23 tank material with the soil and climate conditions, uses of
77 24 the tanks, history of maintenance, age of the tanks, current
77 25 industry recommended practices, national consensus codes,
77 26 hydrogeology, water table, size of the tanks, quantity of
77 27 regulated substances periodically deposited in or dispensed
77 28 from the tank, the degree of risk presented by the regulated
77 29 substance, the technical and managerial capability of the
77 30 owners and operators, and the compatibility of the regulated
77 31 substance and the materials of which the underground storage
77 32 tank is fabricated.
77 33 c. The department may issue a variance, which includes an
77 34 enforceable compliance schedule, from the mandatory monitoring
77 35 requirement for an owner or operator who demonstrates plans for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

78 1 tank removal, replacement, or filling with an inert material
78 2 pursuant to a department approved variance. A variance may be
78 3 renewed for just cause.
78 4 Sec. 108. Section 455D.3, subsections 1 and 3, Code 2011,
78 5 are amended to read as follows:
78 6 1. Year 1994 and 2000 goals.
78 7 a. The goal of the state is to reduce the amount of
78 8 materials in the waste stream, existing as of July 1, 1988,
78 9 twenty=five percent by July 1, 1994, and fifty percent by July
78 10 1, 2000, through the practice of waste volume reduction at
78 11 the source and through recycling. For the purposes of this
78 12 section, "waste stream" means the disposal of solid waste as
78 13 "solid waste" is defined in section 455B.301.
78 14 b. Notwithstanding section 455D.1, subsection 6, facilities
78 15 which employ combustion of solid waste with energy recovery
78 16 and refuse=derived fuel, which are included in an approved
78 17 comprehensive plan, may include these processes in the
78 18 definition of recycling for the purpose of meeting the state
78 19 goal if at least thirty=five percent of the waste reduction
78 20 goal, required to be met by July 1, 2000, pursuant to this
78 21 section, is met through volume reduction at the source and
78 22 recycling and reuse, as established pursuant to section
78 23 455B.301A, subsection 1, paragraphs "a" and "b".
78 24 3. Departmental monitoring.
78 25 a. By October 31, 1994, a planning area shall submit to
78 26 the department a solid waste abatement table which is updated
78 27 through June 30, 1994. By April 1, 1995, the department shall
78 28 report to the general assembly on the progress that has been
78 29 made by each planning area on attainment of the July 1, 1994,
78 30 twenty=five percent goal.
78 31 (1) If at any time the department determines that a planning
78 32 area has met or exceeded the twenty=five percent goal, but has
78 33 not met or exceeded the fifty percent goal, a planning area
78 34 shall subtract sixty cents from the total amount of the tonnage
78 35 fee imposed pursuant to section 455B.310. If at any time the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

79 1 department determines that a planning area has met or exceeded
79 2 the fifty percent goal, a planning area shall subtract fifty
79 3 cents from the total amount of the tonnage fee imposed pursuant
79 4 to section 455B.310. The reduction in tonnage fees pursuant
79 5 to this ~~paragraph~~ subparagraph shall be taken from that
79 6 portion of the tonnage fees which would have been allocated for
79 7 funding alternatives to landfills pursuant to section 455E.11,
79 8 subsection 2, paragraph "a", subparagraph (1).

79 9 (2) If the department determines that a planning area has
79 10 failed to meet the July 1, 1994, twenty-five percent goal, the
79 11 planning area shall, at a minimum, implement the solid waste
79 12 management techniques as listed in subsection 4. Evidence of
79 13 implementation of the solid waste management techniques shall
79 14 be documented in subsequent comprehensive plans submitted to
79 15 the department.

79 16 b. (1) By October 31, 2000, a planning area shall submit to
79 17 the department, a solid waste abatement table which is updated
79 18 through June 30, 2000. By April 1, 2001, the department shall
79 19 report to the general assembly on the progress that has been
79 20 made by each planning area on attainment of the July 1, 2000,
79 21 fifty percent goal.

79 22 (2) If at any time the department determines that a planning
79 23 area has met or exceeded the fifty percent goal, the planning
79 24 area shall subtract fifty cents from the total amount of the
79 25 tonnage fee imposed pursuant to section 455B.310. This amount
79 26 shall be in addition to any amount subtracted pursuant to
79 27 paragraph "a" ~~of this subsection~~. The reduction in tonnage
79 28 fees pursuant to this ~~paragraph~~ subparagraph shall be taken
79 29 from that portion of the tonnage fees which would have been
79 30 allocated to funding alternatives to landfills pursuant to
79 31 section 455E.11, subsection 2, paragraph "a", subparagraph
79 32 (1). Except for fees required under subsection 4, paragraph
79 33 "a", a planning area failing to meet the fifty percent goal
79 34 is not required to remit any additional tonnage fees to the
79 35 department.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

80 1 Sec. 109. Section 455D.10B, subsections 2 and 3, Code 2011,
80 2 are amended to read as follows:

80 3 2. a. A rechargeable consumer product manufacturer may
80 4 apply to the department for exemption from the requirements of
80 5 subsection 1 if any of the following apply:

80 6 ~~a.~~ (1) The product cannot be redesigned or manufactured to
80 7 comply with the requirements prior to January 1, 1994.

80 8 ~~b.~~ (2) The redesign of the product to comply with the
80 9 requirements would result in significant danger to public
80 10 health and safety.

80 11 ~~c.~~ (3) The battery poses no unreasonable hazard to public
80 12 health, safety, or the environment when placed in and processed
80 13 or disposed of as part of mixed municipal solid waste, pursuant
80 14 to section 455D.10A.

80 15 ~~d.~~ (4) The consumer product manufacturer has in operation
80 16 a program to recycle used batteries in an environmentally sound
80 17 manner.

80 18 b. A manufacturer of a product that is powered by a battery
80 19 that cannot be easily removed who has been granted an exemption
80 20 under this subsection shall label the product as required in
80 21 subsection 1, paragraph "b".

80 22 3. An exemption granted by the department under subsection
80 23 2, paragraph "a", subparagraph (1), is limited to a maximum of
80 24 two years, but may be renewed.

80 25 Sec. 110. Section 455E.11, subsection 2, paragraph c, Code
80 26 2011, is amended to read as follows:

80 27 c. A household hazardous waste account.

80 28 (1) The moneys collected pursuant to section 455F.7
80 29 and moneys collected pursuant to section 29C.8A which are
80 30 designated for deposit, shall be deposited in the household
80 31 hazardous waste account. Two thousand dollars is appropriated
80 32 annually to the Iowa department of public health to carry
80 33 out departmental duties under section 135.11, subsections 18
80 34 and 19, and section 139A.21. The remainder of the account
80 35 shall be used to fund toxic cleanup days and the efforts of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

81 1 the department to support a collection system for household
81 2 hazardous materials, including public education programs,
81 3 training, and consultation of local governments in the
81 4 establishment and operation of permanent collection systems,
81 5 and the management of collection sites, education programs,
81 6 and other activities pursuant to chapter 455F, including the
81 7 administration of the household hazardous materials permit
81 8 program by the department of revenue.
81 9 (2) The department shall submit to the general assembly,
81 10 annually on or before January 1, an itemized report which
81 11 includes but is not limited to the total amount of moneys
81 12 collected and the sources of the moneys collected, the
81 13 amount of moneys expended for administration of the programs
81 14 funded within the account, and an itemization of any other
81 15 expenditures made within the previous fiscal year.
81 16 Sec. 111. Section 455G.9, subsection 1, paragraph g, Code
81 17 2011, is amended to read as follows:
81 18 g. (1) Corrective action for the costs of a release under
81 19 all of the following conditions:
81 20 ~~(1)~~ (a) The property upon which the tank causing the
81 21 release was situated was transferred by inheritance, devise,
81 22 or bequest.
81 23 ~~(2)~~ (b) The property upon which the tank causing the
81 24 release was situated has not been used to store or dispense
81 25 petroleum since December 31, 1975.
81 26 ~~(3)~~ (c) The person who received the property by
81 27 inheritance, devise, or bequest was not the owner of the
81 28 property during the period of time when the release which is
81 29 the subject of the corrective action occurred.
81 30 ~~(4)~~ (d) The release was reported to the board by October
81 31 26, 1991.
81 32 (2) Corrective action costs and copayment amounts under
81 33 this paragraph "g" shall be paid in accordance with subsection
81 34 4.
81 35 (3) A person requesting benefits under this paragraph "g"



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

82 1 may establish that the conditions of ~~subparagraphs~~ subparagraph
82 2 (1), (2), and (3) subparagraph divisions (a), (b), and (c),
82 3 are met through the use of supporting documents, including a
82 4 personal affidavit.

82 5 Sec. 112. Section 455G.9, subsection 5, Code 2011, is
82 6 amended to read as follows:

82 7 5. Recovery of gain on sale of property.

82 8 a. If an owner or operator ceases to own or operate a tank
82 9 site for which remedial account benefits were received within
82 10 ten years of the receipt of any account benefit and sells or
82 11 transfers a property interest in the tank site for an amount
82 12 which exceeds one hundred twenty percent of the precorrective
82 13 action value, adjusted for equipment and capital improvements,
82 14 the owner or operator shall refund to the remedial account
82 15 an amount equal to ninety percent of the amount in excess of
82 16 one hundred twenty percent of the precorrective action value
82 17 up to a maximum of the expenses incurred by the remedial
82 18 account associated with the tank site plus interest, equal
82 19 to the interest for the most recent twelve-month period for
82 20 the most recent bond issue for the fund, on the expenses
82 21 incurred, compounded annually. An owner or operator under this
82 22 subsection shall notify the board of the sale or transfer of
82 23 the property interest in the tank site. Expenses incurred
82 24 by the fund are a lien upon the property recordable and
82 25 collectible in the same manner as the lien provided for in
82 26 section 424.11 at the time of sale or transfer, subject to the
82 27 terms of this section.

82 28 b. This subsection shall not apply if the sale or transfer
82 29 is pursuant to a power of eminent domain, or benefits. When
82 30 federal cleanup funds are recovered, the funds are to be
82 31 deposited to the remedial account of the fund and used solely
82 32 for the purpose of future cleanup activities.

82 33 Sec. 113. Section 455G.12A, subsections 2 and 3, Code 2011,
82 34 are amended to read as follows:

82 35 2. Contract approval.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

83 1 a. In the course of review and approval of a contract
83 2 pursuant to this section, the administrator may require an
83 3 owner or operator to obtain and submit three bids, provided
83 4 that the administrator coordinates bid submission with the
83 5 department. The administrator may require specific terms and
83 6 conditions in a contract subject to approval.

83 7 b. The board shall have authority to contract for site
83 8 cleanup reports. The board's responsibility for site cleanup
83 9 reports is limited to those site cleanup reports subject to
83 10 approval by the department of natural resources and required in
83 11 connection with the remediation of a release which is eligible
83 12 for benefits under section 455G.9. The site cleanup report
83 13 shall address existing and available remedial technologies and
83 14 the costs associated with the use of each technology. The
83 15 board shall not have the authority to affect a contract which
83 16 has been given written approval under this section.

83 17 3. Exclusive contracts.

83 18 a. The administrator may enter into a contract or an
83 19 exclusive contract with the supplier of goods or services
83 20 required by a class of tank owners or operators in connection
83 21 with an expense payable or reimbursable from the fund, to
83 22 supply a specified good or service for a gross maximum price,
83 23 fixed rate, on an exclusive basis, or subject to another
83 24 contract term or condition reasonably calculated to obtain
83 25 goods or services for the fund or for tank owners and operators
83 26 at a reasonable cost. A contract may provide for direct
83 27 payment from the fund to a supplier.

83 28 b. The administrator may retain, subject to board approval,
83 29 an independent person to assist in the review of work required
83 30 in connection with a release or tank system for which fund
83 31 benefits are sought, and to establish prevailing cost of goods
83 32 and services needed. Nothing in this section is intended to
83 33 preempt the regulatory authority of the department.

83 34 Sec. 114. Section 455G.13, subsections 4 and 10, Code 2011,
83 35 are amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

84 1 4. Treble damages for certain violations.
84 2 a. Notwithstanding subsections 2 and 3, the owner or
84 3 operator, or both, of a tank are liable to the fund for
84 4 punitive damages in an amount equal to three times the amount
84 5 of any cost incurred or moneys expended by the fund as a
84 6 result of a release of petroleum from the tank if the owner or
84 7 operator did any of the following:
84 8 ~~a.~~ (1) Failed, without sufficient cause, to respond to a
84 9 release of petroleum from the tank upon, or in accordance with,
84 10 a notice issued by the director of the department of natural
84 11 resources.
84 12 ~~b.~~ (2) After May 5, 1989, failed to perform any of the
84 13 following:
84 14 ~~(1)~~ (a) Failed to register the tank, which was known to
84 15 exist or reasonably should have been known to exist.
84 16 ~~(2)~~ (b) Intentionally failed to report a known release.
84 17 b. The punitive damages imposed under this subsection are in
84 18 addition to any costs or expenditures recovered from the owner
84 19 or operator pursuant to this chapter and in addition to any
84 20 other penalty or relief provided by this chapter or any other
84 21 law.
84 22 c. However, the state, a city, county, or other political
84 23 subdivision shall not be liable for punitive damages.
84 24 10. Claims against potentially responsible parties.
84 25 a. Upon payment by the fund for corrective action or
84 26 third=party liability pursuant to this chapter, the rights
84 27 of the claimant to recover payment from any potentially
84 28 responsible party, are assumed by the board to the extent paid
84 29 by the fund. A claimant is precluded from receiving double
84 30 compensation for the same injury.
84 31 b. In an action brought pursuant to this chapter seeking
84 32 damages for corrective action or third=party liability, the
84 33 court shall permit evidence and argument as to the replacement
84 34 or indemnification of actual economic losses incurred or to be
84 35 incurred in the future by the claimant by reason of insurance



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

85 1 benefits, governmental benefits or programs, or from any other
85 2 source.

85 3 c. A claimant may elect to permit the board to pursue the
85 4 claimant's cause of action for any injury not compensated by
85 5 the fund against any potentially responsible party, provided
85 6 the attorney general determines such representation would
85 7 not be a conflict of interest. If a claimant so elects,
85 8 the board's litigation expenses shall be shared on a pro
85 9 rata basis with the claimant, but the claimant's share of
85 10 litigation expenses is payable exclusively from any share of
85 11 the settlement or judgment payable to the claimant.

85 12 Sec. 115. Section 456A.36, subsection 2, Code 2011, is
85 13 amended to read as follows:

85 14 2.a. (1) A timber buyer shall file with the commission a
85 15 surety bond signed by the person as principal and a corporate
85 16 surety authorized to engage in the business of executing surety
85 17 bonds within the state. In lieu of a corporate surety a
85 18 timber buyer may, with the approval of the commission, file a
85 19 bond signed by the timber buyer as principal and accompanied
85 20 by a bank certificate of deposit in a form approved by the
85 21 commission showing to the satisfaction of the commission that
85 22 funds equal to the amount of the required bond are on deposit
85 23 in a bank to be held by the bank for the period covered by the
85 24 certificate. The funds shall be made payable upon demand to
85 25 the director, subject to the provisions of this section, for
85 26 the use and benefit of the people of the state and for the
85 27 use and benefit of a timber grower from whom the timber buyer
85 28 purchased and who is not paid by the timber buyer or for the
85 29 use and benefit of a timber grower whose timber has been cut by
85 30 the timber buyer or the timber buyer's agents, and who has not
85 31 been paid.

85 32 (2) The principal amount of the bond shall be ten percent of
85 33 the total amount paid to timber growers during the preceding
85 34 year, plus ten percent of the total amount due or delinquent
85 35 and unpaid to timber growers at the end of the preceding



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

86 1 year, and ten percent of the market value of growers' shares
86 2 of timber harvested during the previous year. However, the
86 3 total amount of the bond shall be not less than three thousand
86 4 dollars and not more than fifteen thousand dollars.

86 5 (3) The bond or surety shall not be canceled or altered
86 6 except upon at least sixty days' notice in writing to the
86 7 commission.

86 8 (4) Bonds shall be in the form approved by the director,
86 9 be conditioned to secure an honest cutting and accounting for
86 10 timber purchased by the timber buyer, secure payment to the
86 11 timber growers, and insure the timber growers against all
86 12 fraudulent acts of the timber buyer in the purchase and cutting
86 13 of the timber of this state.

86 14 b. If a timber buyer fails to pay when due an amount due
86 15 a timber grower for timber purchased, or fails to pay legally
86 16 determined damages for timber wrongfully cut by a timber buyer
86 17 or the buyer's agent, or commits a violation of this section,
86 18 an action on the bond for forfeiture may be commenced. The
86 19 action is not exclusive and is in addition to other legal
86 20 remedies available.

86 21 c. The timber grower, the owner of timber cut, or the
86 22 director may bring action on the bond for payment of the amount
86 23 due from proceeds of the bond in the district court of the
86 24 county in which the place of business of the timber buyer is
86 25 situated or in any other lawful venue.

86 26 d. The attorney general, upon request of the commission,
86 27 shall institute proceedings to have the bond of the timber
86 28 buyer forfeited for violation of any of the provisions of this
86 29 section or for noncompliance with a commission rule. A timber
86 30 buyer whose bond has been forfeited shall not engage in the
86 31 business of buying timber for one year after the forfeiture.

86 32 e. If the commission realizes more than the amount of
86 33 liability from the security, after deducting expenses incurred
86 34 in converting the security into money, the commission shall pay
86 35 the excess to the timber buyer who furnished the security.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

87 1 Sec. 116. Section 459A.103, subsection 1, paragraph c, Code
87 2 2011, is amended to read as follows:
87 3 c. (1) For purposes of determining whether two or more open
87 4 feedlot operations are under common ownership, a person must
87 5 hold an interest in each of the open feedlot operations as any
87 6 of the following:
87 7 ~~(1)~~ (a) A sole proprietor.
87 8 ~~(2)~~ (b) A joint tenant or tenant in common.
87 9 ~~(3)~~ (c) A holder of a majority equity interest in a
87 10 business association as defined in section 202B.102, including
87 11 but not limited to as a shareholder, partner, member, or
87 12 beneficiary.
87 13 (2) An interest in the open feedlot operation under
87 14 subparagraph ~~(2) or (3)~~ (1), subparagraph division (b) or (c),
87 15 which is held directly or indirectly by the person's spouse or
87 16 dependent child shall be attributed to the person.
87 17 Sec. 117. Section 460.304, subsection 3, paragraph b,
87 18 unnumbered paragraph 2, Code 2011, is amended to read as
87 19 follows:
87 20 c. The department of natural resources shall cooperate with
87 21 the division by providing information necessary to administer
87 22 this subsection.
87 23 Sec. 118. Section 461A.3A, subsection 2, unnumbered
87 24 paragraph 2, Code 2011, is amended to read as follows:
87 25 3. The department shall provide in its annual budget
87 26 documentations to the governor and general assembly a report on
87 27 the use of moneys under the program since the last report and
87 28 the projected use of future moneys.
87 29 Sec. 119. Section 462A.5, subsection 4, Code 2011, is
87 30 amended to read as follows:
87 31 4. a. If a person, after registering a vessel, moves
87 32 from the address shown on the registration certificate, the
87 33 person shall, within ten days, notify the county recorder in
87 34 writing of the old and new address. If appropriate, the county
87 35 recorder shall forward all past records of the vessel to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

88 1 recorder of the county in which the owner resides.

88 2 b. If the name of a person, who has registered a vessel, is
88 3 changed, the person shall, within ten days, notify the county
88 4 recorder of the former and new name.

88 5 c. No fee shall be paid to the county recorder for making
88 6 the changes mentioned in this subsection, unless the owner
88 7 requests a new registration certificate showing the change, in
88 8 which case a fee of one dollar plus a writing fee shall be paid
88 9 to the recorder.

88 10 d. If a registration certificate is lost, mutilated or
88 11 becomes illegible, the owner shall immediately make application
88 12 for and obtain a duplicate registration certificate by
88 13 furnishing information satisfactory to the county recorder. A
88 14 fee of one dollar plus a writing fee shall be paid to the county
88 15 recorder for a duplicate registration certificate.

~~88 16 A fee of one dollar plus a writing fee shall be paid to the
88 17 county recorder for a duplicate registration certificate.~~

88 18 e. If a vessel, registered under this chapter, is destroyed
88 19 or abandoned, the destruction or abandonment shall be reported
88 20 to the county recorder and the registration certificate shall
88 21 be forwarded to the office of the county recorder within ten
88 22 days after the destruction or abandonment.

88 23 Sec. 120. Section 465A.1, Code 2011, is amended to read as
88 24 follows:

88 25 465A.1 Statement of purpose === intent.

88 26 1. The general assembly finds that:

88 27 ~~1.~~ a. Iowa's most significant open space lands are
88 28 essential to the well-being and quality of life for Iowans and
88 29 to the economic viability of the state's recreation and tourism
88 30 industry.

88 31 ~~2.~~ b. Many areas of high national significance in the state
88 32 have not received adequate public protection to keep them free
88 33 of visual blight, resource degradation, and negative impacts
88 34 from inappropriate land use and surrounding development. Some
88 35 of these areas include national park service and United States



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

89 1 fish and wildlife service properties, national landmarks and
89 2 trails, the Des Moines river greenbelt, the great river road,
89 3 areas where interstate highways enter the state, cross major
89 4 rivers, and pass by other areas of national significance, major
89 5 state park and recreation areas, unique and protected water
89 6 areas, and significant natural, geological, scenic, historic,
89 7 and cultural properties of the state.
89 8 ~~3.~~ c. While state and federal funds are generally available
89 9 for the acquisition and protection of fish and wildlife areas
89 10 and habitats as well as boating access to public waters,
89 11 funding programs for public open space acquisition and
89 12 protection have not been adequate to meet needs.
89 13 ~~4.~~ d. Relative to other midwestern states, Iowa ranks last
89 14 in the proportion of land acquired and protected for public
89 15 open space.
89 16 ~~5.2.~~ a. A program shall be established to:
89 17 ~~a.~~ (1) Educate the citizens of the state about the needs
89 18 and urgency of protecting the state's open spaces.
89 19 ~~b.~~ (2) Plan for the protection of the state's significant
89 20 open space areas.
89 21 ~~c.~~ (3) Acquire and protect those properties on a priority
89 22 basis through a variety of appropriate means.
89 23 b. In addition to other goals for the program, it is
89 24 intended that a minimum of ten percent of the state's land area
89 25 be included under some form of public open space protection by
89 26 the year 2000.
89 27 Sec. 121. Section 468.65, Code 2011, is amended to read as
89 28 follows:
89 29 468.65 Reclassification.
89 30 1. When, after a drainage or levee district has been
89 31 established, except districts established by mutual agreement
89 32 in accordance with section 468.142, and the improvements
89 33 thereof constructed and put in operation, there has been a
89 34 material change as to lands occupied by highway or railroad
89 35 right-of-way or in the character of the lands benefited by



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

90 1 the improvement, or when a repair, improvement, or extension
90 2 has become necessary, the board may consider whether the
90 3 existing assessments are equitable as a basis for payment of
90 4 the expense of maintaining the district and of making the
90 5 repair, improvement or extension. If they find the same to
90 6 be inequitable in any particular, they shall by resolution
90 7 express such finding, appoint three commissioners possessing
90 8 the qualifications prescribed in section 468.38 and order a
90 9 reclassification as follows:

90 10 ~~1-~~ a. If they find the assessments to be generally
90 11 inequitable they shall order a reclassification of all property
90 12 subject to assessment, such as lands, highways, and railroads
90 13 in said district.

90 14 ~~2-~~ b. If the inequity ascertained by the board is limited
90 15 to the proportion paid by highways or railroads, a general
90 16 reclassification of all lands shall not be necessary but the
90 17 commissioners may evaluate and determine the fair proportion
90 18 to be paid by such highways or railroads or both as provided in
90 19 sections 468.42 and 468.43.

90 20 ~~3-~~ c. Any benefits of a character for which levee
90 21 or drainage districts may be established and which are
90 22 attributable to or enhanced by the improvement or by the
90 23 repair, improvement, or extension thereof, shall be a proper
90 24 subject of consideration in a reclassification notwithstanding
90 25 the district may have been originally established for a limited
90 26 purpose.

90 27 ~~4-~~ d. (1) If after a district has been reclassified,
90 28 the board in its judgment concludes there were errors in the
90 29 reclassification or there is an inequitable assessment of
90 30 benefits, the board may on its own motion, after notice to the
90 31 landowners involved as provided in sections 468.14 through
90 32 468.18 and by resolution, order the district or any portion of
90 33 the district to again be reclassified as prescribed in this
90 34 section and in section 468.67.

90 35 (2) The board may include in its resolution an order



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

91 1 to the commissioners that they prepare special common
91 2 outlet classifications, if needed, in conjunction with the
91 3 reclassification of the district.
91 4 2. Such reclassification when finally adopted shall remain
91 5 the basis for all future assessments unless revised as provided
91 6 in this subchapter, parts 1 through 5.
91 7 Sec. 122. Section 468.184, subsections 1, 2, 5, 6, and 10,
91 8 Code 2011, are amended to read as follows:
91 9 1. a. (1) When a levee district shall have been located
91 10 and finally established; or
91 11 ~~b.~~ (2) When the required proceedings have been taken to
91 12 enlarge, extend, strengthen, raise, relocate, reconstruct, or
91 13 improve any existing levee; or
91 14 ~~c.~~ (3) When the required proceedings have been held to
91 15 annex additional lands to said levee district or to exclude or
91 16 eliminate lands from said levee district; or
91 17 ~~d.~~ (4) When a plan of the United States government for the
91 18 construction of any levee, or a portion of a levee, in said
91 19 levee district, or for the enlarging, extending, strengthening,
91 20 raising, relocating, reconstructing, or improving any existing
91 21 levee, or a portion thereof, in accordance with any such plan
91 22 in said levee district, has been heretofore or hereafter
91 23 adopted by such levee district under the provisions of sections
91 24 468.201 through 468.216; or
91 25 ~~e.~~ (5) When the board shall, as authorized by section
91 26 468.65, determine that the assessments of benefits of said
91 27 levee district against the lands in said levee district are
91 28 generally inequitable the board may by resolution, or if
91 29 a petition is filed by more than one-third of the owners,
91 30 including corporations, of land within said levee district and
91 31 who in the aggregate own more than one-third of the value of
91 32 the land and land improvements in said levee district as the
91 33 value thereof is then shown by the general tax records of the
91 34 county or counties in which such land and land improvements
91 35 are located, requesting the board to do so, the board shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

92 1 order the lands in said levee district and the improvements on
92 2 the land in said levee district classified or reclassified in
92 3 accordance with the assessed taxable value of said land and
92 4 land improvements as the same are then shown and as the same
92 5 may be thereafter shown by the assessment roll of the county or
92 6 counties in which said land and land improvements are located.
92 7 b. The assessed taxable value of any land, including
92 8 land improvements exempt from general taxation but subject
92 9 to assessment for levee purposes, shall be determined by the
92 10 county assessor who shall make such determination in accordance
92 11 with the rules of assessment applicable to adjacent lands and
92 12 without any additional compensation therefor.
92 13 2. a. If the board orders classification or
92 14 reclassification of lands as authorized in subsection 1
92 15 ~~of this section~~, the board shall fix a time and place for a
92 16 hearing to be held upon the action of the board in ordering
92 17 such classification or reclassification, which hearing shall
92 18 be held at the county seat of the county having the largest
92 19 acreage in said levee district. The board shall cause notice
92 20 of the time and place of such hearing to be served by the county
92 21 auditor or auditors upon each person whose name appears as
92 22 owner of lands or land improvements within the levee district
92 23 in the transfer books of the auditor's office in the county or
92 24 counties in which said levee district is located, naming that
92 25 person, and also upon the person or persons in actual occupancy
92 26 of any tract of land or land improvements located in said levee
92 27 district, without naming that person or persons. Such notice
92 28 shall be for the same time and served in the same manner as is
92 29 provided for the establishment of a levee district, and such
92 30 notice shall state:
92 31 ~~a.~~ (1) The aggregate estimated costs and expenses which
92 32 the board proposes to assess under such classification or
92 33 reclassification;
92 34 ~~b.~~ (2) The total aggregate assessed taxable value of all
92 35 lands and land improvements in said levee district;



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

93 1 ~~e.~~ (3) That the said classification or reclassification
93 2 of benefits will be based on the assessed taxable value of all
93 3 lands and improvements to lands located in said levee district;
93 4 ~~d.~~ (4) That each tract of land and each land improvement in
93 5 said levee district will be assessed for its pro rata share of
93 6 said costs and expenses based upon the ratio that the assessed
93 7 value of each tract of land and the assessed value of each land
93 8 improvement bears to the total assessed taxable value of all
93 9 lands and all land improvements in said district; and
93 10 ~~e.~~ (5) That all objections to said method of classification
93 11 or reclassification shall be in writing and filed with the
93 12 auditor of the county in which said land or land improvements
93 13 are located before the time set for said hearing or with the
93 14 board of trustees of said district at or before the time set
93 15 for such hearing.
93 16 b. The notice need not show the amount of such costs
93 17 and expenses to be apportioned to each such owner or to any
93 18 particular tract of land or land improvement within such levee
93 19 district.
93 20 5. If the board shall determine that the cost and expenses
93 21 shall be assessed on the basis of assessed taxable value as
93 22 ~~hereinabove~~ provided in subsections 1 through 4, then such
93 23 basis shall be used for all future assessments made for the
93 24 purposes of said levee district except if said assessed taxable
93 25 value of lands and land improvements in said levee district
93 26 may be changed or revised by the county assessor in the
93 27 county or counties in which the same are located for general
93 28 tax purposes, then any such revision made in the assessed
93 29 taxable value by any such county assessor shall automatically
93 30 constitute a revision of the classification of such land or
93 31 land improvements for future assessments made by the board for
93 32 the purpose of said levee district.
93 33 6. In lieu of the hearing provided for in ~~the preceding~~
93 34 subsections 1 through 5, the board may, and if the petition of
93 35 owners provided for in ~~the preceding~~ subsections 1 through 5



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

94 1 so asks, the board shall call for an election for the purpose
94 2 of determining the question of classification on the basis of
94 3 assessed value of lands and land improvements. The question
94 4 may be submitted at a regular election of the district or at
94 5 a special election called for that purpose. It shall not be
94 6 mandatory for the county commissioner of elections to conduct
94 7 the elections, however provisions of sections 49.43 through
94 8 49.47 and of subchapter III of this chapter, insofar as the
94 9 same are applicable, shall govern all such elections, and the
94 10 question to be submitted shall be set forth in the notice of
94 11 election. If sixty percent of the votes cast be in favor of the
94 12 proposed change in assessment, it shall become effective for
94 13 all future assessments as heretofore provided in this section.
94 14 If the question should fail, no new election on the subject may
94 15 be called for a period of one year.

94 16 10. a. All proceedings taken prior to July 1, 1968,
94 17 purporting to establish or reestablish a drainage or levee
94 18 district or districts, or to enlarge or change the boundaries
94 19 of any drainage or levee district, and any assessments not
94 20 heretofore declared invalid by any court, are hereby legalized,
94 21 validated, and confirmed.

94 22 b. The foregoing shall not be construed to affect any
94 23 litigation that may be pending at the time this section
94 24 becomes effective involving the establishment, reestablishment,
94 25 enlargement, or change in boundaries or any assessments of
94 26 drainage or levee districts.

94 27 Sec. 123. Section 468.201, subsection 2, unnumbered
94 28 paragraph 2, Code 2011, is amended to read as follows:

94 29 3. If the federal program divides a project into separate
94 30 phases, each phase shall be considered a separate program as
94 31 described in section 468.126, subsection 4, and shall in no
94 32 event be construed as an unauthorized division into separate
94 33 programs to avoid the twenty-five percent limitation prescribed
94 34 for making improvements under said section 468.126, subsection
94 35 4, without notice and hearing.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

95 1 Sec. 124. Section 468.359, subsection 2, unnumbered
95 2 paragraph 2, Code 2011, is amended to read as follows:
95 3 3. For the purpose of this section the word "improvement"
95 4 shall include the construction, reconstruction, enlargement and
95 5 relocation of levees and acquisition of rights-of-way therefor.
95 6 Sec. 125. Section 476.42, subsections 1 and 4, Code 2011,
95 7 are amended to read as follows:
95 8 1. a. "Alternate energy production facility" means any or
95 9 all of the following:
95 10 ~~a.~~ (1) A solar, wind turbine, waste management, resource
95 11 recovery, refuse-derived fuel, agricultural crops or residues,
95 12 or woodburning facility.
95 13 ~~b.~~ (2) Land, systems, buildings, or improvements that are
95 14 located at the project site and are necessary or convenient to
95 15 the construction, completion, or operation of the facility.
95 16 ~~c.~~ (3) Transmission or distribution facilities necessary to
95 17 conduct the energy produced by the facility to users located at
95 18 or near the project site.
95 19 b. A facility which is a qualifying facility under 18 C.F.R.
95 20 pt. 292, subpt. B is not precluded from being an alternate
95 21 energy production facility under this division.
95 22 4. a. "Small hydro facility" means any or all of the
95 23 following:
95 24 ~~a.~~ (1) A hydroelectric facility at a dam.
95 25 ~~b.~~ (2) Land, systems, buildings, or improvements that are
95 26 located at the project site and are necessary or convenient to
95 27 the construction, completion, or operation of the facility.
95 28 ~~c.~~ (3) Transmission or distribution facilities necessary to
95 29 conduct the energy produced by the facility to users located at
95 30 or near the project site.
95 31 b. A facility which is a qualifying facility under 18 C.F.R.
95 32 pt. 292, subpt. B is not precluded from being a small hydro
95 33 facility under this division.

95 34 DIVISION III
95 35 INTERNAL REFERENCE CHANGES



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

96 1 Sec. 126. Section 15.103, subsection 1, paragraph b,
96 2 subparagraph (7), Code 2011, is amended to read as follows:
96 3 (7) Economics or alternative and renewable energy including
96 4 the alternative and renewable energy sectors listed in section
96 5 476.42, subsection 1, paragraph "a", subparagraph (1).
96 6 Sec. 127. Section 15E.61, subsection 1, Code 2011, is
96 7 amended to read as follows:
96 8 1. The general assembly finds the following: Fundamental
96 9 changes have occurred in national and international financial
96 10 markets and in the financial markets of this state. A
96 11 critical shortage of seed and venture capital resources
96 12 exists in the state, and such shortage is impairing the
96 13 growth of commerce in the state. A need exists to increase
96 14 the availability of venture equity capital for emerging,
96 15 expanding, and restructuring enterprises in Iowa, including,
96 16 without limitation, enterprises in the life sciences, advanced
96 17 manufacturing, information technology, alternative and
96 18 renewable energy including the alternative and renewable energy
96 19 sectors listed in section 476.42, subsection 1, paragraph
96 20 "a", subparagraph (1), and value-added agriculture areas.
96 21 Such investments will create jobs for Iowans and will help to
96 22 diversify the state's economic base.
96 23 Sec. 128. Section 15E.351, subsection 1, Code 2011, is
96 24 amended to read as follows:
96 25 1. The department shall establish and administer a business
96 26 accelerator program to provide financial assistance for
96 27 the establishment and operation of a business accelerator
96 28 for technology-based, value-added agricultural, information
96 29 solutions, alternative and renewable energy including the
96 30 alternative and renewable energy sectors listed in section
96 31 476.42, subsection 1, paragraph "a", subparagraph (1), or
96 32 advanced manufacturing start-up businesses or for a satellite
96 33 of an existing business accelerator. The program shall be
96 34 designed to foster the accelerated growth of new and existing
96 35 businesses through the provision of technical assistance. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

97 1 department, subject to the approval of the economic development
97 2 board, may provide financial assistance under this section from
97 3 moneys allocated for regional financial assistance pursuant to
97 4 section 15G.111, subsection 9.

97 5 Sec. 129. Section 135.177, subsection 2, paragraph e, Code
97 6 2011, is amended to read as follows:

97 7 e. A student participating in the program shall be eligible
97 8 for a stipend of not more than fifty thousand dollars for
97 9 the twelve months of the fellowship plus related fringe
97 10 benefits. In addition, a student who completes the program
97 11 and practices in Iowa in a mental health professional shortage
97 12 area, as defined in section ~~135.80~~ 135.180, shall be eligible
97 13 for up to twenty thousand dollars in loan forgiveness. The
97 14 stipend and loan forgiveness provisions shall be determined
97 15 by the department and the college student aid commission, in
97 16 consultation with the clinical partners.

97 17 Sec. 130. Section 260C.18A, subsection 2, unnumbered
97 18 paragraph 1, Code 2011, is amended to read as follows:

97 19 Moneys deposited in the funds and disbursed to community
97 20 colleges for a fiscal year shall be expended for the following
97 21 purposes, provided seventy percent of the moneys shall be
97 22 used on projects in the areas of advanced manufacturing,
97 23 information technology and insurance, alternative and renewable
97 24 energy including the alternative and renewable energy sectors
97 25 listed in section 476.42, subsection 1, paragraph "a",
97 26 subparagraph (1), and life sciences which include the areas
97 27 of biotechnology, health care technology, and nursing care
97 28 technology:

97 29 Sec. 131. Section 425.23, subsection 1, paragraph a, Code
97 30 2011, is amended to read as follows:

97 31 a. The tentative credit or reimbursement for a claimant
97 32 described in section 425.17, subsection 2, paragraph "a" ~~and~~
~~97 33 paragraph "b", subparagraphs (1) and (2)~~, if no appropriation is
97 34 made to the fund created in section 425.40 shall be determined
97 35 in accordance with the following schedule:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

98 1 Percent of property taxes
98 2 due or rent constituting
98 3 property taxes paid
98 4 If the household allowed as a credit or
98 5 income is: reimbursement:
98 6 \$ 0 ===== 8,499.99 100%
98 7 8,500 ===== 9,499.99 85
98 8 9,500 ===== 10,499.99 70
98 9 10,500 ===== 12,499.99 50
98 10 12,500 ===== 14,499.99 35
98 11 14,500 ===== 16,499.99 25
98 12 Sec. 132. Section 425.23, subsection 1, paragraph b,
98 13 unnumbered paragraph 1, Code 2011, is amended to read as
98 14 follows:
98 15 If moneys have been appropriated to the fund created in
98 16 section 425.40, the tentative credit or reimbursement for a
98 17 claimant described in section 425.17, subsection 2, paragraph
98 18 "b", "a", subparagraph (2), shall be determined as follows:
98 19 Sec. 133. Section 425.23, subsection 3, paragraph a, Code
98 20 2011, is amended to read as follows:
98 21 a. A person who is eligible to file a claim for credit
98 22 for property taxes due and who has a household income of
98 23 eight thousand five hundred dollars or less and who has an
98 24 unpaid special assessment levied against the homestead may
98 25 file a claim for a special assessment credit with the county
98 26 treasurer. The department shall provide to the respective
98 27 treasurers the forms necessary for the administration of this
98 28 subsection. The claim shall be filed not later than September
98 29 30 of each year. Upon the filing of the claim, interest for
98 30 late payment shall not accrue against the amount of the unpaid
98 31 special assessment due and payable. The claim filed by the
98 32 claimant constitutes a claim for credit of an amount equal to
98 33 the actual amount due upon the unpaid special assessment, plus
98 34 interest, payable during the fiscal year for which the claim is
98 35 filed against the homestead of the claimant. However, where



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

99 1 the claimant is an individual described in section 425.17,
99 2 subsection 2, paragraph ~~"b"~~, "a", subparagraph (2), and the
99 3 tentative credit is determined according to the schedule
99 4 in subsection 1, paragraph "b", subparagraph (2), of this
99 5 section, the claim filed constitutes a claim for credit of an
99 6 amount equal to one-half of the actual amount due and payable
99 7 during the fiscal year. The treasurer shall certify to the
99 8 director of revenue not later than October 15 of each year the
99 9 total amount of dollars due for claims allowed. The amount
99 10 of reimbursement due each county shall be certified by the
99 11 director of revenue and paid by the director of the department
99 12 of administrative services by November 15 of each year, drawn
99 13 upon warrants payable to the respective treasurer. There is
99 14 appropriated annually from the general fund of the state to the
99 15 department of revenue an amount sufficient to carry out the
99 16 provisions of this subsection. The treasurer shall credit any
99 17 moneys received from the department against the amount of the
99 18 unpaid special assessment due and payable on the homestead of
99 19 the claimant.

99 20 Sec. 134. Section 425.39, Code 2011, is amended to read as
99 21 follows:

99 22 425.39 Fund created ==== appropriation ==== priority.

99 23 The elderly and disabled property tax credit and
99 24 reimbursement fund is created. There is appropriated annually
99 25 from the general fund of the state to the department of revenue
99 26 to be credited to the elderly and disabled property tax credit
99 27 and reimbursement fund, from funds not otherwise appropriated,
99 28 an amount sufficient to implement this division for claimants
99 29 described in section 425.17, subsection 2, paragraph "a",
99 30 subparagraph (1).

99 31 Sec. 135. Section 435.27, subsection 1, Code 2011, is
99 32 amended to read as follows:

99 33 1. A mobile home or manufactured home converted to real
99 34 estate under section 435.26 may be reconverted to a home as
99 35 provided in this section when it is moved to a manufactured



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

100 1 home community or mobile home park or a manufactured or mobile
100 2 home retailer's inventory. When the home is located within a
100 3 manufactured home community or mobile home park, the home shall
100 4 be taxed pursuant to section 435.22, subsection 1, paragraph
100 5 "a".

100 6 Sec. 136. Section 455B.473, subsection 4, Code 2011, is
100 7 amended to read as follows:

100 8 4. An owner or operator of a storage tank described in
100 9 section 455B.471, subsection 11, paragraph "a", subparagraph
100 10 (1), which brings the tank into use after July 1, 1987, shall
100 11 notify the department of the existence of the tank within
100 12 thirty days. The registration of the tank shall be accompanied
100 13 by a fee of ten dollars to be deposited in the storage tank
100 14 management account. A tank which is existing before July 1,
100 15 1987, shall be reported to the department by July 1, 1989.
100 16 Tanks under this section installed on or following July 1,
100 17 1987, shall comply with underground storage tank regulations
100 18 adopted by rule by the department.

100 19 Sec. 137. Section 455B.474, subsection 8, paragraph c, Code
100 20 2011, is amended to read as follows:

100 21 c. The commission shall adopt rules applicable to secondary
100 22 containment requirements consistent with and sufficient to
100 23 comply with the provisions of Pub. L. No. 109=58, Tit. XV,
100 24 { 1530(a), as codified at 42 U.S.C. { 6991b(i)(1), and guidance
100 25 adopted by the administrator of the United States environmental
100 26 protection agency pursuant to that provision. Each new
100 27 underground storage tank or piping connected to any such new
100 28 tank installed after July 1, 2007, or any existing underground
100 29 storage tank or existing piping connected to such existing
100 30 underground storage tank that is replaced after August 1, 2007,
100 31 shall be secondarily contained if the installation is within
100 32 one thousand feet of any existing community water system or
100 33 any existing potable drinking water well as provided in Pub.
100 34 L. No. 109=58, Tit. XV, { 1530(a), as codified at 42 U.S.C.
100 35 { 6991b(i)(1), and in guidance adopted by the United States



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

101 1 environmental protection agency pursuant to that provision.
101 2 Rules adopted under this paragraph shall not amend or modify
101 3 the secondary containment requirements in subsection 1,
101 4 paragraph ~~"f"~~ "a", subparagraph ~~(9)~~ (6), subparagraph division
101 5 (i).

101 6 Sec. 138. Section 455B.474, subsection 9, paragraph h, Code
101 7 2011, is amended to read as follows:

101 8 h. Notwithstanding the certification requirements of this
101 9 subsection, a site cleanup report or corrective action design
101 10 report submitted by a certified groundwater professional shall
101 11 be accepted by the department in accordance with subsection 1,
101 12 paragraph ~~"d"~~ "a", subparagraph ~~(2)~~ (4), subparagraph division
101 13 ~~(e)~~ (b), subparagraph subdivision (v), and paragraph ~~"f"~~ "a",
101 14 subparagraph ~~(5)~~ (6), subparagraph division (e).

101 15 Sec. 139. Section 455B.474A, Code 2011, is amended to read
101 16 as follows:

101 17 455B.474A Rules consistent with federal regulations.

101 18 The rules adopted by the commission under section
101 19 455B.474 shall be consistent with and shall not exceed the
101 20 requirements of federal regulations relating to the regulation
101 21 of underground storage tanks except as provided in section
101 22 455B.474, subsection 1, paragraph ~~"f"~~ "a", subparagraph (6),
101 23 and subsection 3, paragraph "d". It is the intent of the
101 24 general assembly that state rules adopted pursuant to section
101 25 455B.474, subsection 1, paragraph ~~"f"~~ "a", subparagraph (6),
101 26 and subsection 3, paragraph "d", be consistent with and not
101 27 more restrictive than federal regulations adopted by the United
101 28 States environmental protection agency when those rules are
101 29 adopted.

101 30 Sec. 140. Section 455D.10A, subsection 3, paragraph a,
101 31 subparagraphs (2) and (3), Code 2011, are amended to read as
101 32 follows:

101 33 (2) Establishment of a comprehensive recycling program
101 34 for each type of battery listed in subparagraph (1) that is
101 35 sold, distributed, or offered for sale in this state. An



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

102 1 institutional generator shall provide for the on=site source
102 2 separation and collection of used mercuric oxide batteries,
102 3 nickel=cadmium rechargeable batteries, and sealed lead acid
102 4 rechargeable batteries. All participants in the stream
102 5 of commerce relating to the batteries, which are listed
102 6 in subparagraph (1) and which are not designated as exempt
102 7 pursuant to section 455D.10B, subsection 2, paragraph ~~"e"~~
~~102 8 or "d"~~ "a", subparagraph (3) or (4), shall, individually or
102 9 collectively, be responsible for developing and operating a
102 10 system for collecting and transporting used batteries to the
102 11 appropriate dry cell battery manufacturer or to a site or
102 12 facility designated by a manufacturer. Additionally, dry cell
102 13 battery manufacturers shall be responsible for the recycling of
102 14 used batteries in an environmentally sound manner.

102 15 (3) Provision for collection, transporting, and proper
102 16 disposal of used household batteries of the types listed in
102 17 subparagraph (1) which are distributed, sold, or offered for
102 18 retail sale in the state. For the purposes of this paragraph,
102 19 "proper disposal" means disposal which complies with all
102 20 applicable state and federal laws. All participants in the
102 21 stream of commerce relating to the batteries, which are listed
102 22 in subparagraph (1) and which are not designated as exempt
102 23 pursuant to section 455D.10B, subsection 2, paragraph ~~"e"~~
~~102 24 or "d"~~ "a", subparagraph (3) or (4), shall, individually or
102 25 collectively, be responsible for developing and operating a
102 26 system for collecting and transporting used batteries to the
102 27 appropriate dry cell battery manufacturer or to a site or
102 28 facility designated by a manufacturer. Additionally, dry cell
102 29 battery manufacturers shall be responsible for proper disposal
102 30 of the used batteries.

102 31 Sec. 141. Section 455G.9, subsection 1, paragraph a,
102 32 subparagraphs (5) and (6), Code 2011, are amended to read as
102 33 follows:

102 34 (5) For the purposes of calculating corrective action costs
102 35 under this paragraph, corrective action shall include the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

103 1 cost of a tank system upgrade required by section 455B.474,
103 2 subsection 1, paragraph ~~"f"~~ "a", subparagraph ~~(9)~~ (6),
103 3 subparagraph division (i). Payments under this subparagraph
103 4 shall be limited to a maximum of ten thousand dollars for any
103 5 one site.
103 6 (6) For the purposes of calculating corrective action costs
103 7 under this paragraph, corrective action shall include the costs
103 8 associated with monitoring required by the rules adopted under
103 9 section 455B.474, subsection 1, paragraph ~~"f"~~ "a", subparagraph
103 10 (6), but corrective action shall exclude monitoring used
103 11 for leak detection required by rules adopted under section
103 12 455B.474, subsection 1, paragraph "a", subparagraph (1).
103 13 Sec. 142. Section 455G.9, subsection 1, paragraph f, Code
103 14 2011, is amended to read as follows:
103 15 f. One hundred percent of the costs up to twenty thousand
103 16 dollars incurred by the board under section 455G.12A,
103 17 subsection 2, ~~unnumbered~~ paragraph ~~2~~ "b", for site cleanup
103 18 reports. Costs of a site cleanup report which exceed twenty
103 19 thousand dollars shall be considered a cost of corrective
103 20 action and the amount shall be included in the calculations
103 21 for corrective action cost copayments under subsection 4. The
103 22 board shall have the discretion to authorize a site cleanup
103 23 report payment in excess of twenty thousand dollars if the site
103 24 is participating in community remediation.
103 25 Sec. 143. Section 455D.10A, subsection 3, paragraph a,
103 26 subparagraphs (2) and (3), Code 2011, are amended to read as
103 27 follows:
103 28 (2) Establishment of a comprehensive recycling program
103 29 for each type of battery listed in subparagraph (1) that is
103 30 sold, distributed, or offered for sale in this state. An
103 31 institutional generator shall provide for the on-site source
103 32 separation and collection of used mercuric oxide batteries,
103 33 nickel-cadmium rechargeable batteries, and sealed lead acid
103 34 rechargeable batteries. All participants in the stream
103 35 of commerce relating to the batteries, which are listed



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1169 continued

104 1 in subparagraph (1) and which are not designated as exempt
104 2 pursuant to section 455D.10B, subsection 2, paragraph ~~"e"~~
~~104 3 or "d"~~ "a", subparagraph (3) or (4), shall, individually or
104 4 collectively, be responsible for developing and operating a
104 5 system for collecting and transporting used batteries to the
104 6 appropriate dry cell battery manufacturer or to a site or
104 7 facility designated by a manufacturer. Additionally, dry cell
104 8 battery manufacturers shall be responsible for the recycling of
104 9 used batteries in an environmentally sound manner.

104 10 (3) Provision for collection, transporting, and proper
104 11 disposal of used household batteries of the types listed in
104 12 subparagraph (1) which are distributed, sold, or offered for
104 13 retail sale in the state. For the purposes of this paragraph,
104 14 "proper disposal" means disposal which complies with all
104 15 applicable state and federal laws. All participants in the
104 16 stream of commerce relating to the batteries, which are listed
104 17 in subparagraph (1) and which are not designated as exempt
104 18 pursuant to section 455D.10B, subsection 2, paragraph ~~"e"~~
~~104 19 or "d"~~ "a", subparagraph (3) or (4), shall, individually or
104 20 collectively, be responsible for developing and operating a
104 21 system for collecting and transporting used batteries to the
104 22 appropriate dry cell battery manufacturer or to a site or
104 23 facility designated by a manufacturer. Additionally, dry cell
104 24 battery manufacturers shall be responsible for proper disposal
104 25 of the used batteries.

DIVISION IV

DIRECTIVES

104 28 Sec. 144. CODE EDITOR DIRECTIVES.

104 29 1. The Code editor is directed to number, renumber,
104 30 designate, or redesignate to eliminate unnumbered paragraphs
104 31 within sections 231.4, 261A.42, 423A.2, 423D.1, 425.26, 425.33,
104 32 427.12, 441.26, 441.35, 441.45, 450B.2, 452A.19, 452A.21,
104 33 452A.62, 455B.193, 455B.243, 455B.444, 455G.12, 456.1, 456B.7,
104 34 456B.12, 459.502, 459A.206, 462A.71, 468.12, 468.57, 468.567,
104 35 and 558A.4, Code 2011, in accordance with established Code



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

105 1 section hierarchy and correct internal references in the Code
105 2 and in any enacted Iowa Acts as necessary.
105 3 2. The Code editor is directed to number, renumber,
105 4 designate, or redesignate to eliminate unnumbered paragraphs
105 5 within section subunits in sections 390.12, subsection 3;
105 6 421.1, subsections 1 and 5; 421.17B, subsection 3, paragraph
105 7 "a"; 421.17B, subsection 9; 421.47, subsection 2; 421.60,
105 8 subsection 2, paragraphs "a" and "c"; 421.60, subsection
105 9 2, paragraph "m", subparagraph (2); 422.8, subsection 5;
105 10 422.11N, subsection 4, paragraph "b", subparagraph (3); 422.60,
105 11 subsection 3; 422.73, subsection 1; 422.89, subsection 3;
105 12 423.2, subsection 6; 423.3, subsections 8, 31, and 86; 423.4,
105 13 subsection 6, paragraph "c"; 423A.7, subsection 4, paragraphs
105 14 "d" and "f"; 423B.9 subsection 4, paragraph "a"; 424.6,
105 15 subsection 1; 424.10, subsection 2; 425.1, subsection 1; 425.7,
105 16 subsection 3; 435.26A, subsection 2; 435.27, subsection 2;
105 17 437A.5, subsection 1, paragraph "c"; 437A.5, subsections 6 and
105 18 7; 437A.7, subsection 1; 437A.14, subsection 1, paragraph "b";
105 19 437A.15, subsection 3, paragraph "a"; 437A.15, subsection 4;
105 20 441.17, subsection 5; 441.21, subsection 1, paragraph "i";
105 21 441.37, subsections 1 and 2; 446.9, subsection 3; 446.20,
105 22 subsections 1 and 2; 447.8, subsections 1 and 5; 450.3,
105 23 subsection 7; 450.22, subsection 3; 452A.15, subsection 1;
105 24 453A.2, subsection 8; 453A.8, subsection 3; 453A.44, subsection
105 25 4; 453A.45, subsections 1 and 5; 453A.46, subsections 1 and 2;
105 26 453B.1, subsection 3; 453D.3, subsection 1, paragraphs "b" and
105 27 "d"; 455A.18, subsection 3; 455A.19, subsection 1, paragraph
105 28 "a"; 455A.19, subsection 2; 455B.113, subsection 2; 455B.263,
105 29 subsection 6; 455B.275, subsection 3; 455B.305A, subsections
105 30 1, 3, 4, and 6; 455B.416, subsection 1; 455B.443, subsection
105 31 2; 455B.473, subsection 8; 455B.474, subsection 2, paragraph
105 32 "a"; 455E.11, subsection 1; 455E.11, subsection 2, paragraph
105 33 "b", subparagraph (3), subparagraph division (b); 455H.201,
105 34 subsection 1; 455H.204, subsection 4, paragraph "a"; 455H.301,
105 35 subsection 2; 456A.33B, subsection 1; 459.310, subsection 4,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

106 1 paragraph "b"; 459.312, subsection 4; 459.604, subsection 1;
106 2 460.202, subsection 1; 460.302, subsection 3, paragraph "a";
106 3 460.304, subsection 2, paragraph "a"; 462A.5, subsections 1
106 4 and 3; 462A.9, subsections 1 and 8; 476.1D, subsection 1,
106 5 paragraph "c"; 476.1D, subsection 10; 476.3, subsection 2;
106 6 476.18, subsection 3; 476.20, subsections 3 and 5; 476.27,
106 7 subsection 6; 476.55, subsection 2; 476.97, subsection 3,
106 8 paragraph "a", subparagraph (4); 476.97, subsection 11,
106 9 paragraphs "h" and "j"; 476C.4, subsection 4, paragraphs "b"
106 10 and "c"; 476C.6, subsection 1; 478.3, subsection 2; 479.46,
106 11 subsections 2 and 3; 479B.30, subsection 3; 481A.38, subsection
106 12 1; 481A.56, subsection 1; 481A.62, subsection 3; and 483A.24,
106 13 subsection 2, paragraph "a", subparagraph (3), Code 2011, in
106 14 accordance with established Code section hierarchy and correct
106 15 internal references in the Code and in any enacted Iowa Acts
106 16 as necessary.

106 17

DIVISION V

106 18

EFFECTIVE DATE AND

106 19

APPLICABILITY PROVISIONS

106 20 Sec. 145. EFFECTIVE DATE. The section of this Act amending
106 21 2010 Iowa Acts, chapter 1192, section 78, being deemed of
106 22 immediate importance, takes effect upon enactment.

106 23 Sec. 146. RETROACTIVE APPLICABILITY. The section of this
106 24 Act amending 2010 Iowa Acts, chapter 1192, section 78, applies
106 25 retroactively to July 1, 2010.

106 26

EXPLANATION

106 27 DIVISION 1. This bill makes Code changes and corrections
106 28 that are considered to be nonsubstantive and noncontroversial,
106 29 in addition to style changes. Changes made include updating
106 30 or correcting names of and references to public and private
106 31 entities and funds, correcting internal Code and subject matter
106 32 references, renumbering and reorganizing various provisions
106 33 to eliminate unnumbered paragraphs and facilitate citation,
106 34 updating United States Code and Code of Federal Regulations
106 35 references, and making various grammatical corrections. The



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

107 1 Code sections in which the technical, grammatical, and other
107 2 nonsubstantive changes are made include all of the following:
107 3 Code sections 8.57 and 12.89A: Corrects references to the
107 4 federal subsidy holdback fund in two provisions that describe
107 5 when moneys left in that fund are to be deposited in or
107 6 credited to the rebuild Iowa infrastructure fund.
107 7 Code sections 8A.311, 8A.316, 260C.19B, 262.25B, and
107 8 904.312B: Changes the term "bio=based" to "biobased" to make
107 9 the spelling of that term consistent with other instances of
107 10 the term in the Code and in 7 C.F.R. { 2902, adopted by the
107 11 United States department of agriculture.
107 12 Code section 8D.3: Internally rearranges subsection 2
107 13 of this Code section establishing the membership of the Iowa
107 14 telecommunications and technology commission to separate
107 15 provisions relating to members appointed by the governor from
107 16 those relating to the ex officio, nonvoting members and to
107 17 place language relating to meetings of the commission at the
107 18 end of the subsection.
107 19 Code section 12.87: Internally redesignates this Code
107 20 section relating to the authority of the treasurer of state
107 21 to sell bonds for infrastructure projects and the Iowa jobs
107 22 program in accordance with established practices for the Code.
107 23 Code section 29C.20B: Changes two verbs to nouns in this
107 24 provision describing the components of the statewide system of
107 25 disaster case management to conform to the style of the other
107 26 related provisions.
107 27 Code sections 34A.15, 100B.1, 101C.3, 147A.2: Changes
107 28 references to the Iowa firemen's association in provisions
107 29 establishing the membership of various councils to reflect the
107 30 association's new name, the "Iowa firefighters association".
107 31 Code sections 34A.15, 100B.1, 101C.3, 147A.2: Changes
107 32 references to the Iowa firemen's association in provisions
107 33 establishing the membership of various councils to reflect the
107 34 association's new name, the "Iowa firefighters association".
107 35 Code section 88.19: Strikes the word "and" and adds two



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

108 1 indefinite articles within a listing of types of information
108 2 that may be included within the annual report on occupational
108 3 safety and health made by the labor commissioner to the general
108 4 assembly.
108 5 Code section 89.6: Moves the words "to the commissioner" to
108 6 improve the grammar within this provision relating to a notice
108 7 that an owner or user must give to the labor commissioner
108 8 before converting a power boiler to a low pressure boiler.
108 9 Code sections 97C.2 and 97C.4: Strikes nonconforming Code
108 10 section hierarchical elements within these two sections of the
108 11 federal social security enabling Act.
108 12 Code section 135.80: Transfers this Code section creating
108 13 the mental health professional shortage area from the division
108 14 that establishes the health facilities council and the
108 15 requirements relating to applications for a certificate of need
108 16 for new or changed institutional health services to a more
108 17 appropriate division relating to health care workforce support
108 18 at the end of Code chapter 135.
108 19 Code section 135.159: Corrects a reference to the name
108 20 of the office of minority and multicultural health in this
108 21 provision establishing the medical home system.
108 22 Code section 136.1: Sets out and enumerates the provisions
108 23 describing the membership of the state board of health in
108 24 conformance with established Code hierarchy.
108 25 Code section 159A.3: Changes the verb form within this
108 26 provision describing one of the duties of the office of
108 27 renewable fuels and coproducts to conform to the other
108 28 provisions describing the duties of that office.
108 29 Code section 252B.20: Corrects references to two
108 30 subchapters of Code chapter 252H to facilitate hypertext
108 31 linkage within this provision relating to suspension of child
108 32 support.
108 33 Code sections 282.6 and 321.178: Changes the words
108 34 "driver's" and "drivers" to "driver" to conform to other
108 35 references to the driver education program approved by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

109 1 department of transportation in a Code section regarding
109 2 tuition in public schools and the Code section establishing the
109 3 requirements for the driver education program.
109 4 Code section 285.5: Corrects the grammar, by adding the
109 5 word "and" before the last item, in this series pertaining
109 6 to contracts with private parties for school bus service for
109 7 children who attend public and nonpublic schools.
109 8 Code section 306B.1: Updates two federal references by
109 9 deleting an extraneous use of two abbreviated title references
109 10 and adding section symbols in these definition provisions for
109 11 the Code chapter governing outdoor advertising along interstate
109 12 highways.
109 13 Code section 306C.10: Conforms a use of the term "specific
109 14 information of interest to the traveling public" to the
109 15 definition of the same term in the portion of Code chapter 306C
109 16 that deals with billboard control.
109 17 Code section 313.4: Corrects a Code section reference in
109 18 a provision relating to disbursement of primary road funds
109 19 in order to facilitate hypertext linkage to the Code section
109 20 cited.
109 21 Code section 321.188: Updates Code of Federal Regulations
109 22 citations within this provision relating to commercial driver's
109 23 license requirements to conform to the citation form used
109 24 throughout the Code for this type of citation.
109 25 Code section 321J.2: Corrects a reference to the name of the
109 26 reality education substance abuse prevention program in this
109 27 provision regarding the offense of operating while intoxicated.
109 28 Code section 323A.2: Adds a missing definite article to
109 29 language regarding the purchase of motor fuel by motor fuel
109 30 retailers or distributors under a franchise.
109 31 Code section 336.16: Adds the missing verb "is" in language
109 32 relating to publication of notice regarding a proposal to
109 33 submit a proposition for withdrawal from a library district to
109 34 an election.
109 35 Code sections 360.1 and 364.4: Internally rennumbers these



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

110 1 Code sections to set out language that is to be placed on an
110 2 election ballot from the balance of the language of the Code
110 3 sections.
110 4 Code section 400.2: Strikes the word "to" and adds a comma
110 5 to correct the grammar of a provision pertaining to the types
110 6 of sales or contracts to a city which can only be awarded by
110 7 written, public, competitive bid.
110 8 Code section 403.19A: Corrects the name used to refer to
110 9 the targeted jobs withholding credits awarded by pilot project
110 10 cities to qualified employers.
110 11 Code section 403A.21: Renumbers and redesignates within
110 12 this Code section relating to certain housing projects to
110 13 conform the subordinate provisions outlining the permissive
110 14 authority granted to a state public body to the initial
110 15 language and separates those provisions from a provision
110 16 relating to appraisal, public notice, advertisement, or public
110 17 bidding.
110 18 Code section 422.32: Renumbers these definitions relating
110 19 to the taxation of corporations and conforms definitions to the
110 20 style of the balance of the definitions.
110 21 Code sections 423.3 and 427.1: Corrects the spelling of the
110 22 word "backup" in the term "backup power generation systems" in
110 23 two Code sections that provide certain tax exemptions for web
110 24 search portal businesses.
110 25 Code section 423F.5: Removes a self-reference to Code
110 26 chapter 423F within this provision relating to financial audits
110 27 of school districts under the school infrastructure funding
110 28 Code chapter.
110 29 Code section 435.23: Divides this provision relating to
110 30 exemptions from and prorating of tax on certain manufactured or
110 31 mobile homes, modular homes, and travel trailers to separate
110 32 the exemptions from the proration provisions.
110 33 Code section 441.49: Numbers, and splits out language
110 34 specifying the contents of a statement that is to be included
110 35 in a final property tax equalization order, in this provision



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

111 1 relating to adjustments in valuation of classes of property.
111 2 Code section 453A.13: Renumbers to eliminate unanchored,
111 3 unnumbered paragraphs and replaces the word "said" with the
111 4 word "that" in this provision relating to state permit fees for
111 5 cigarette and tobacco distributors, vendors, and wholesalers.
111 6 Code section 455B.134: Replaces the words "gas emissions"
111 7 with the word "gases" to correct the usage in language
111 8 describing what must be quantified by applicants for certain
111 9 permits for electric power generating facilities.
111 10 Code section 455B.172: Corrects language describing the
111 11 conditions under which a building's private sewage disposal
111 12 system must be inspected.
111 13 Code section 455B.305: Adds the word "this" before a
111 14 reference to the part within which this provision, relating to
111 15 sanitary disposal project permits, is found.
111 16 Code section 455E.11: Corrects a reference to the Iowa
111 17 comprehensive petroleum underground storage tank fund board
111 18 in language describing an agreement between that board
111 19 and the department of natural resources for the completion
111 20 of administrative tasks relating to the evaluation and
111 21 modification of risk based corrective action rules.
111 22 Code section 455G.4: Clarifies wording within language
111 23 describing the qualifications of the two public members on the
111 24 Iowa comprehensive petroleum underground storage tank fund
111 25 board.
111 26 Code sections 456A.17 and 456A.19: Clarifies two references
111 27 to the state conservation fund from the county conservation
111 28 fund, by adding the word "state" before the words "conservation
111 29 fund".
111 30 Code section 462A.26: Updates the paragraphing within this
111 31 provision relating to the operation of motorboats on inland
111 32 lakes and federal impoundments under the jurisdiction of the
111 33 natural resource commission.
111 34 Code section 463C.17: Strikes the word "its" and removes a
111 35 hyphen from the term "term length" to improve the grammar and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

112 1 spelling within this provision that exempts the Honey Creek
112 2 park authority and the department of natural resources from
112 3 competitive bid laws.
112 4 Code section 468.586: Corrects citations to two divisions
112 5 of two different Code chapters to facilitate hypertext linkage
112 6 within this provision relating to assessment of costs of
112 7 drainage improvements.
112 8 Code section 499B.17: Strikes nonconforming Code hierarchy
112 9 designations from within this provision relating to priority of
112 10 liens against the owner of a condominium.
112 11 Code sections 505.28 and 505.29: Corrects Code chapter
112 12 self=references in these two provisions in the Code chapter
112 13 establishing the insurance division of the department of
112 14 commerce.
112 15 Code section 515E.4: Changes two references to the "unfair
112 16 claim settlement practices law" within a provision regarding
112 17 risk retention groups not organized within Iowa.
112 18 Code section 533.301: Adds the word "for" to correct the
112 19 grammar in a series in this provision describing the powers of
112 20 a state credit union.
112 21 Code section 535.2: Corrects the form of a citation to
112 22 a 1980 Iowa Act in this provision relating to the rate of
112 23 interest that may be charged in certain transactions.
112 24 Code section 535A.6: Corrects a series of Code citations to
112 25 eliminate a self=reference in this Code section relating to an
112 26 action for damages for persons aggrieved by certain mortgage
112 27 practices.
112 28 Code section 536.19: Moves a reference to Code chapter 537
112 29 to facilitate hypertext linkage within this provision relating
112 30 to violations of the regulated loans Code chapter.
112 31 Code section 537.3203: Adds a colon to correct the
112 32 punctuation within this provision describing the notice that
112 33 must be given to a consumer in a consumer credit transaction.
112 34 Code section 572.13: Letters unnumbered paragraphs
112 35 to facilitate citation within a provision pertaining to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

113 1 liability of owners to contractors for work performed on an
113 2 owner=occupied dwelling.
113 3 Code section 617.3: Strikes nonconforming Code hierarchy
113 4 designations from within this provision relating to foreign
113 5 corporations or nonresidents contracting or committing torts
113 6 in Iowa.
113 7 Code section 622.62: Adds a comma between two consecutive
113 8 uses of the words "this section" to facilitate readability in
113 9 this provision relating to evidence of lawfulness of certain
113 10 city ordinances.
113 11 Code section 631.17: Corrects the form of a citation to
113 12 article 7 of Code chapter 537 to facilitate citation to that
113 13 article in this provision relating to prohibited practices in
113 14 small claims actions.
113 15 Section 633.279: Letters a provision to more easily
113 16 distinguish a form from surrounding Code section text in this
113 17 provision regarding self=proved wills.
113 18 Code section 633.675: Internally renumbers this provision
113 19 describing causes for termination of a guardianship.
113 20 Code section 633.707: Corrects a reference to the term
113 21 "voter registration" and corrects the grammar in this provision
113 22 describing whether a respondent in a guardianship proceeding
113 23 has significant connections with a particular state.
113 24 Code sections 642.5 and 642.21: Numbers the Code section
113 25 642.5 and corrects a reference in Code section 642.21 to a
113 26 provision that is part of a form contained in Code section
113 27 642.5 that describes the questions that are to be posed to a
113 28 garnishee by a sheriff.
113 29 Code section 692A.118: Deletes an extraneous "who" in
113 30 language describing when a notice is to be made on the sex
113 31 offender registry regarding the flight of a sex offender.
113 32 2010 Iowa Acts, chapter 1192, section 78: Corrects the
113 33 lead=in in this 2010 Iowa Act to reflect that only the first
113 34 unnumbered paragraph of Code section 135N.3, subsection 2, was
113 35 amended in the Act. This change is effective upon enactment



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1169 continued

114 1 and applies retroactively to July 1, 2010.
114 2 DIVISION II. The Code sections in this division are amended
114 3 by numbering, renumbering, designating, or redesignating
114 4 provisions within volume IV of the Code, and by changing
114 5 textual references as necessary. The purposes of the Code
114 6 changes are to conform the Code provisions to existing Code
114 7 section hierarchy, to eliminate "unanchored" unnumbered
114 8 paragraphs within the Code sections, to facilitate Code section
114 9 readability, and to facilitate citation to those Code sections.
114 10 DIVISION III. This division contains corrections to
114 11 internal references to Code sections that are numbered,
114 12 renumbered, designated, or redesignated in division II of this
114 13 bill.
114 14 DIVISION IV. This division contains Code editor directives
114 15 to number, renumber, designate, or redesignate Code provisions
114 16 to eliminate "unanchored" unnumbered paragraphs in Code
114 17 provisions that do not require any additional textual reference
114 18 corrections.
114 19 DIVISION V. This division contains an effective date and
114 20 retroactive applicability provision relating to a corrective
114 21 change to 2010 Iowa Acts, chapter 1192, section 78 in division
114 22 I of the bill.

LSB 1437SC (31) 84

lh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1170

SENATE FILE
BY (PROPOSED COMMITTEE ON
ECONOMIC
GROWTH/REBUILD IOWA
BILL BY CHAIRPERSON
SODDERS)

A BILL FOR

1 An Act relating to reciprocal preferences for public
2 improvement contract bidders and including effective date
3 and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2468SC (1) 84
je/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1170 continued

PAG LIN

1 1 Section 1. Section 73A.21, Code 2011, is amended to read as
1 2 follows:
1 3 73A.21 Reciprocal resident bidder and resident labor force
1 4 preference by state, its agencies, and political subdivisions ====
1 5 penalties.
1 6 1. For purposes of this section:
1 7 a. "Commissioner" means the labor commissioner appointed
1 8 pursuant to section 91.2, or the labor commissioner's designee.
1 9 b. "Division" means the division of labor of the department
1 10 of workforce development.
1 11 c. "Nonresident bidder" means a person or entity who does
1 12 not meet the definition of a resident bidder.
1 13 d. "Public body" means the state and any of its political
1 14 subdivisions, including a school district, public utility, or
1 15 the state board of regents.
1 16 ~~a.~~ e. "Public improvement" means ~~public improvements as~~
1 17 ~~defined in section 73A.1 a building or other construction work~~
1 18 ~~to be paid for in whole or in part by the use of funds of the~~
1 19 ~~state, its agencies, and any of its political subdivisions and~~
1 20 ~~includes road construction, reconstruction, and maintenance~~
1 21 ~~projects.~~
1 22 f. "Public utility" includes municipally owned utilities and
1 23 municipally owned waterworks.
1 24 ~~b.~~ g. "Resident bidder" means a person or entity authorized
1 25 to transact business in this state and having a place of
1 26 business for transacting business within the state at which
1 27 it is conducting and has conducted business for at least ~~six~~
1 28 ~~months~~ three years prior to the date of the first advertisement
1 29 for the public improvement ~~and in the case of a corporation,~~
1 30 ~~having at least fifty percent of its common stock owned by~~
1 31 ~~residents of this state.~~ If another state or foreign country
1 32 has a more stringent definition of a resident bidder, the more
1 33 stringent definition is applicable as to bidders from that
1 34 state or foreign country.
1 35 h. "Resident labor force preference" means a requirement in



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1170 continued

2 1 which all or a portion of a labor force working on a public
2 2 improvement is a resident of a particular state or country.
2 3 2. Notwithstanding this chapter, chapter 73, chapter 309,
2 4 chapter 310, chapter 331, or chapter 384, when a contract for a
2 5 public improvement is to be awarded to the lowest responsible
2 6 bidder, a resident bidder shall be allowed a preference as
2 7 against a nonresident bidder from a state or foreign country
2 8 ~~which~~ if that state or foreign country gives or requires a
~~2 9 any preference to bidders from that state or foreign country,~~
2 10 including but not limited to any preference to bidders, the
2 11 imposition of any type of labor force preference, or any other
2 12 form of preferential treatment to bidders or laborers from that
2 13 state or foreign country. The preference ~~is~~ allowed shall
2 14 be equal to the preference given or required by the state or
2 15 foreign country in which the nonresident bidder is a resident.
2 16 In the instance of a resident labor force preference, a
2 17 nonresident bidder shall apply the same resident labor force
2 18 preference to a public improvement in this state as would be
2 19 required in the construction of a public improvement by the
2 20 state or foreign country in which the nonresident bidder is a
2 21 resident.
2 22 3. ~~This section applies to the state, its agencies, and any~~
~~2 23 political subdivisions of the state.~~
2 24 4. 3. If it is determined that this may cause denial of
2 25 federal funds which would otherwise be available, or would
2 26 otherwise be inconsistent with requirements of any federal law
2 27 or regulation, this section shall be suspended, but only to the
2 28 extent necessary to prevent denial of the funds or to eliminate
2 29 the inconsistency with federal requirements.
2 30 4. The public body involved in a public improvement shall
2 31 require a nonresident bidder to specify on all project bid
2 32 specifications and contract documents whether any preference
2 33 as described in subsection 2 is in effect in the nonresident
2 34 bidder's state or country of domicile at the time of a bid
2 35 submittal.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1170 continued

3 1 5. The commissioner and the division shall administer and
3 2 enforce this section, and the commissioner shall adopt rules
3 3 for the administration and enforcement of this section as
3 4 provided in section 91.6.

3 5 6. The commissioner shall have the following powers and
3 6 duties for the purposes of this section:

3 7 a. The commissioner may hold hearings and investigate
3 8 charges of violations of this section.

3 9 b. The commissioner may, consistent with due process of law,
3 10 enter any place of employment to inspect records concerning
3 11 labor force residency, to question an employer or employee, and
3 12 to investigate such facts, conditions, or matters as are deemed
3 13 appropriate in determining whether any person has violated the
3 14 provisions of this section. The commissioner shall only make
3 15 such an entry in response to a written complaint.

3 16 c. The commissioner shall develop a written complaint form
3 17 applicable to this section and make it available in division
3 18 offices and on the department of workforce development's
3 19 internet site.

3 20 d. The commissioner may sue for injunctive relief against
3 21 the awarding of a contract, the undertaking of a public
3 22 improvement, or the continuation of a public improvement in
3 23 response to a violation of this section.

3 24 e. The commissioner may investigate and ascertain the
3 25 residency of a worker engaged in any public improvement in this
3 26 state.

3 27 f. The commissioner may administer oaths, take or cause to
3 28 be taken deposition of witnesses, and require by subpoena the
3 29 attendance and testimony of witnesses and the production of all
3 30 books, registers, payrolls, and other evidence relevant to a
3 31 matter under investigation or hearing.

3 32 g. The commissioner shall require a contractor or
3 33 subcontractor to file, within ten days of receipt of a request,
3 34 any records enumerated in subsection 8. If the contractor or
3 35 subcontractor fails to provide the requested records within ten



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1170 continued

4 1 days, the commissioner may direct, within fifteen days after
4 2 the end of the ten-day period, that the fiscal or financial
4 3 office charged with the custody and disbursement of funds of
4 4 the public body that contracted for construction of the public
4 5 improvement or undertook the public improvement, to immediately
4 6 withhold from payment to the contractor or subcontractor
4 7 up to twenty-five percent of the amount to be paid to the
4 8 contractor or subcontractor under the terms of the contract
4 9 or written instrument under which the public improvement is
4 10 being performed. The amount withheld shall be immediately
4 11 released upon receipt by the public body of a notice from
4 12 the commissioner indicating that the request for records as
4 13 required by this section has been satisfied.

4 14 7. While participating in a public improvement, a
4 15 nonresident bidder domiciled in a state or country that
4 16 has established a resident labor force preference shall
4 17 make and keep, for a period of not less than three years,
4 18 accurate records of all workers employed by the contractor or
4 19 subcontractor on the public improvement. The records shall
4 20 include each worker's name, address, telephone number when
4 21 available, social security number, trade classification, and
4 22 the starting and ending time of employment.

4 23 8. Any person or entity that violates the provisions of
4 24 this section is subject to a civil penalty in an amount not to
4 25 exceed one thousand dollars for each violation found in a first
4 26 investigation by the division, not to exceed five thousand
4 27 dollars for each violation found in a second investigation
4 28 by the division, and not to exceed fifteen thousand dollars
4 29 for a third or subsequent violation found in any subsequent
4 30 investigation by the division. Each violation of this section
4 31 for each worker and for each day the violation continues
4 32 constitutes a separate and distinct violation. In determining
4 33 the amount of the penalty, the division shall consider the
4 34 appropriateness of the penalty to the person or entity charged,
4 35 upon determination of the gravity of the violations. The



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1170 continued

5 1 collection of these penalties shall be enforced in a civil
5 2 action brought by the attorney general on behalf of the
5 3 division.

5 4 9. A party seeking review of the division's determination
5 5 pursuant to this section may file a written request for an
5 6 informal conference. The request must be received by the
5 7 division within fifteen days after the date of issuance of
5 8 the division's determination. During the conference, the
5 9 party seeking review may present written or oral information
5 10 and arguments as to why the division's determination should
5 11 be amended or vacated. The division shall consider the
5 12 information and arguments presented and issue a written
5 13 decision advising all parties of the outcome of the conference.

5 14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 15 immediate importance, takes effect upon enactment.

5 16 Sec. 3. APPLICABILITY. This Act applies to all public
5 17 improvement projects, and to public improvement contracts
5 18 entered into on or after July 1, 2011.

5 19 EXPLANATION

5 20 This bill requires the labor commissioner to administer
5 21 and enforce Code section 73A.21, which allows the state
5 22 and political subdivisions awarding a contract for a public
5 23 improvement to give a preference to an Iowa resident bidder
5 24 over a nonresident bidder. The preference must be reciprocal
5 25 to any preference given to in-state resident bidders over
5 26 nonresident bidders by the state or foreign country of a
5 27 nonresident bidder. The bill directs the labor commissioner to
5 28 adopt rules as necessary to administer Code section 73A.21.

5 29 The bill includes in the reciprocity requirement nonresident
5 30 bidders from a state or foreign country which gives any type
5 31 of labor force preference or any other form of preference
5 32 to resident bidders or laborers. The bill provides that if
5 33 the provisions of Code section 73A.21 may cause denial of
5 34 federal funds which would otherwise be available, or would
5 35 otherwise be inconsistent with requirements of any federal law



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1170 continued

6 1 or regulation, the Code section will be suspended, but only
6 2 to the extent necessary to prevent denial of the funds or to
6 3 eliminate the inconsistency with federal requirements. The
6 4 bill requires a public body involved in a public improvement to
6 5 require all nonresident bidders to specify on all project bid
6 6 specifications and contract documents whether the nonresident
6 7 bidder's state or country of residence has any type of resident
6 8 bidder preference in effect at the time of a bid submittal.
6 9 The bill provides the labor commissioner with certain powers
6 10 relating to nonresident bidders for public improvement projects
6 11 to enforce Code section 73A.21. The bill provides the labor
6 12 commissioner with investigative powers concerning nonresident
6 13 bidders. Such powers include the power to hold hearings, to
6 14 enter a place of employment to inspect records regarding labor
6 15 force residency, to question employees, and to take depositions
6 16 and subpoenas. The bill provides that the labor commissioner
6 17 may sue for injunctive relief for violations of Code section
6 18 73A.21. The bill requires the labor commissioner to develop
6 19 a written complaint form for violations. The bill requires a
6 20 nonresident contractor domiciled in a state or country that
6 21 has a resident labor force preference to keep for at least
6 22 three years accurate records containing certain identifying
6 23 information including residency for all workers employed by
6 24 the contractor. The bill provides that the labor commissioner
6 25 may direct that up to 25 percent of the contract price be
6 26 withheld from the contractor if the contractor does not file
6 27 such records until the records are filed. The bill provides
6 28 for a civil penalty of \$1,000 for each violation found during
6 29 a first investigation, \$5,000 for each violation found during
6 30 a second investigation, and \$15,000 for each violation found
6 31 during a subsequent investigation. The bill provides that a
6 32 separate and distinct violation occurs for each worker employed
6 33 by the contractor for each day the worker is employed by the
6 34 contractor. The bill provides for a review process with the
6 35 division of labor and sets out procedural requirements. The



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1170 continued

7 1 bill modifies and adds applicable definitions for Code section
7 2 73A.21.
7 3 The bill is effective upon enactment.
7 4 The bill applies to all public improvement projects, and to
7 5 public improvement contracts entered into on or after July 1,
7 6 2011.

LSB 2468SC (1) 84

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1171

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to quality standards for children in a foster
2 care, preadoption or adoption, or subsidized guardianship
3 placement.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1977XC (4) 84
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011

Senate Study Bill 1171 continued

PAG LIN

1 1 Section 1. NEW SECTION. 234.5 Quality standards for
1 2 children in placement ==== legislative intent.
1 3 1. For the purposes of this section, "child in placement"
1 4 means a child in a foster care, preadoption or adoption, or
1 5 subsidized guardianship placement in accordance with a court
1 6 order or agreement with the department of human services.
1 7 2. It is the intent of the general assembly that the
1 8 department of human services and others providing care or
1 9 other support for a child in placement will strive to attain
1 10 the quality standards enumerated in this subsection. The
1 11 quality standards for each child in placement include all of
1 12 the following:
1 13 a. Being treated with respect.
1 14 b. Being safe and well cared for.
1 15 c. Being accepted for who they are.
1 16 d. Maintaining and developing lifelong family connections.
1 17 e. Being fully informed about changes that affect them and
1 18 why the changes are being made.
1 19 f. Having an opportunity to attend hearings regarding their
1 20 care.
1 21 g. Receiving adequate health and mental health care.
1 22 h. Having access to a good, stable education.
1 23 i. Attaining the skills, knowledge, and resources needed to
1 24 become an independent adult.
1 25 j. Achieving permanency.
1 26 k. Receiving assistance if these quality standards are not
1 27 being attained.
1 28 3. The department of human services shall work with
1 29 those persons providing care and other support to children
1 30 in placement to develop written materials and other forms of
1 31 communication to build awareness among providers and children
1 32 in placement concerning the quality standards enumerated in
1 33 this section.

1 34 EXPLANATION

1 35 This bill relates to quality standards for a "child in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 28, 2011**

Senate Study Bill 1171 continued

2 1 placement", which is defined by the bill in new Code section
2 2 234.5 to mean a child in a foster care, preadoption or
2 3 adoption, or subsidized guardianship placement in accordance
2 4 with a court order or agreement with the department of human
2 5 services.
2 6 The bill states legislative intent that the department
2 7 of human services and others providing care or other support
2 8 for a child in placement will strive to attain a list of
2 9 quality standards for each child during placement. The list
2 10 includes being treated with respect, receiving adequate health
2 11 and mental health care, achieving permanency, and receiving
2 12 assistance if the quality standards are not being attained.
2 13 The department is required to work with other persons to
2 14 develop written materials and other forms of communication
2 15 to build awareness among providers and children in placement
2 16 concerning the quality standards.

LSB 1977XC (4) 84

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